

Present: Complainant in person with counsel Sh.M.K.Dudeja, Advocate.

Complaint presented today. Alongwith the complaint an application under section 156(3) of Cr.P.C has been moved. It be checked and registered.

2. Arguments heard on the application for referring the complaint to police Station concerned under section 156(3) Cr.P.C.

3. Learned counsel for the complainant has argued that in the present case investigation is required and the complainant, in her individual capacity, cannot investigate the matter deeply as investigated by the Police concerned. Learned counsel for the complainant has also made the submission that the present case file may kindly be sent to the concerned SHO, Police Station.

4. Perusal of the case file shows that complainant has obtained registration of trade mark under the provisions of the Trade Mark Act, 1999 and copyright. The copy of certificates is annexed herewith on record as Annexure P4 regarding designs as well as name and detailing but some person is making copy of the same without any authorization. It is a matter against an unknown person because he is yet to be identified. So, investigation machinery is required to be set into motion for identifying the real person behind this Act. It is an appropriate case for registration of formal FIR.

5. Heard. In this context, it is pertinent to refer to the law laid down by the **Hon'ble Supreme Court in Sakiri Vasu versus State of U.P. (AIR 2008 SC 907)**, which is as follows:

“If a person has a grievance that the police station is not registering his FIR under Section 154 Cr.P.C., then he can approach the Superintendent of Police under Section 154(3) Cr.P.C. by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156 (3) Cr.P.C. before the learned Magistrate concerned. If such an application under Section 156 (3) Cr.P.C. is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision

monitor the investigation to ensure a proper investigation. Section 156(3) Cr.P.C, though briefly worded, is wide enough to include all such powers in a Magistrate.”

6. The above legal proposition has been recently reiterated by the **Hon'ble Supreme Court in Lalita Kumari Versus Govt. of UP and Others (SC), 2014 (2) SCC 1.**

7. In view of the facts alleged in the complaint and the documents attached therewith, and the legal proposition stated above, I am of the considered opinion that this case requires indepth and thorough investigation by the Police and is a fit case to be referred to the police. Hence the present application under Section 156(3) Cr.P.C. stands allowed.

. 8 Therefore, complete file be sent to concerned to SHO P.S. for necessary compliance ie. registration of FIR against accused and any other person seems to be involved under appropriate sections.

.9. Now to come up on **18.10.2022** for placing on record copy of FIR by concerned SHO and he should appear in person for the same.

10. Photocopy of necessary documents be retained for furture action. Notice alongwith a copy of this Order and the complaint be sent to SHO concerned for necessary compliance on or before **18.10.2022.**

(Khushboo Goel)
JMIC,
Bahadurgarh
UID No. HR-0372

Date of Order: 04.10.2022

"I attest to the accuracy and
authenticity of this document"
Jyoti, Stenographer