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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 995 OF 2007

Dilipkumar @ Kamal Balvantbhai
Thakker .. Appellant(s)

Versus
State of Gujarat & Anr. .. Respondent(s)
WITH CRIMINAL APPEAL NOS.996-998/2007 & 344/2008

O R D E R

Respondent No.2 herein has filed four complaints which were registered vide C.R.No.II-3134/03 with Kalupur Police Station, Ahmedabad: C.R.No.II-3093/2003 with Vidyanagar Police Station, Anand: and C.R.No.II-33 of 2004 with Palampur Police Station, Ahmedabad, along with Complaint No.3371/2003 lodged under Section 63 of the Copyright Act, 1957 (for short, the Act) alleging therein that the appellants had committed various offences under the said Act. The case that was set up was that the appellants had made spurious copies of the cassettes, in which the members of respondent No.2 Association had the copyright, and sold the same in the market thereby committing offence under Section 52(1)(j) of the Act. The Judicial Magistrate First Class, Vadodara took cognizance of the said complaints and issued summons to the appellants. The appellants

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approached the High Court by way of a petition under Section 482 of the Criminal Procedure Code,1973 for quashing of the said complaints on the ground that it was a civil dispute and respondent No.2/complainant had in any case filed a civil suit for injunction and damages against the appellants which was pending in the civil Court. The High Court has, vide impugned judgment, dismissed the said petition of the appellants holding that no case for quashing of the complaints was made out. It is against this order that the special leave petitions were filed in which leave was granted and that is how these are converted into appeals.

When these cases came up for hearing today, the learned counsel appearing for respondent No.2/complainant submits that these being the old matters, the respondent association has taken a conscious decision not to prosecute the said criminal complaints and it would be satisfied with pursuing the civil remedy. He, thus, submits that he has no objection if the proceedings arising out of the aforesaid complaints are quashed. Having regard to the nature of the cases and the aforesaid decision of the complainant not to pursue the complaints, the proceedings arising out of the complaints

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No.II-3134/03 with Kalupur Police Station, Ahmedabad, C.R.No.II-3093/2003 with Vidyanagar Police Station, Anand, C.R.No.II-33 of 2004 with Palampur Police Station, Ahmedabad and Complaint No.3371/2003 lodged under Section 63 of the Copyright Act before the Judicial Magistrate First Class, Vadodara stand quashed.

The appeals are allowed accordingly.

.....J.
[A.K. SIKRI]

.....J.

[ASHOK BHUSHAN]

NEW DELHI,
MARCH 30, 2017.

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ITEM NO.102

COURT NO.8

SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s).995/2007

DILIPKUMAR @ KAMAL BALVANTBHAI THAKKER
VERSUS

Appellant(s)

STATE OF GUJARAT & ANR.

Respondent(s)

WITH

CrI.A. No. 996-998/2007

(With office report)

CrI.A. No. 344/2008

(With office report)

Date : 30/03/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Ms. Bina Madhavan, Adv.

Ms. S. Udaya Kumar Sagar. Adv.

Ms. Akanksha Mehra, Adv.

Mr. Ramandeep Kaur, Adv.

Mr. Mrityunjai Singh, Adv.for

M/s. Lawyer S Knit & Co,

For Respondent(s) Mr. Abhinav Agrawal, Adv.

Mr. E. C. Agrawala,Adv.

Ms. Hemantika Wahi,Adv.

Ms. Jesal Wahi, Adv.

Ms, Puja Singh, Adv.

Ms. Mamta Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeals are allowed in terms of the signed order.

(USHA BHARDWAJ)

(MALA KUMARI SHARMA)

AR-CUM-PS COURT MASTER

Signed order is placed on the file.