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MCRC-42300-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 17th OF MARCH, 2026

MISC. CRIMINAL CASE No. 42300 of 2023

SMT. MAYA GUPTA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Prakash Upadhaya- Sr. Advocate with Shri Hitendra Kumar
Golhani and Shri Utsarg Agarwal - Advocates for the petitioner.

Shri Sankalp Kochar- Advocate for respondent No. 2.

Smt. Vineeta Sharma - Dy. GA for respondent/State.

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WITH

MISC. CRIMINAL CASE No. 54470 of 2023

SANDEEP GUPTA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Prakash Upadhaya- Sr. Advocate with Shri Hitendra Kumar
Golhani and Shri Utsarg Agarwal - Advocates for the petitioners.

Shri Sankalp Kochar- Advocate for respondent No. 2.

Smt. Vineeta Sharma - Dy. GA for respondent/State.

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MISC. CRIMINAL CASE No. 54473 of 2023

GULAB CHAND GUPTA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS



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Appearance:

Shri Prakash Upadhaya- Sr. Advocate with Shri Hitendra Kumar
Golhani and Shri Utsarg Agarwal - Advocates for the petitioner.

Shri Sankalp Kochar- Advocate for respondent No. 2.

Smt. Vineeta Sharma - Dy. GA for respondent/State.
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ORDER

The present petition has been preferred under Section 482 of the Code of Criminal Procedure, 1973 invoking the inherent jurisdiction of this Court for quashment of the criminal proceedings arising out of Crime No. 443/2021 registered at Police Station Chargawan, District Jabalpur for offences punishable under Sections 420, 468 and 471 of the Indian Penal Code along with Sections 51, 63 and 68 of the Copyright Act, 1957, The petitioners seek quashment of the First Information Report and the consequential criminal proceedings pending before the competent trial court on the ground that the allegations made in the FIR do not disclose the commission of any offence and that the continuation of the criminal prosecution would amount to abuse of the process of law.

2. The factual background leading to the present petition reveals that on 19.12.2021 a written complaint was submitted by Respondent No.2 before Police Station Chargawan, District Jabalpur alleging that the petitioners were engaged in manufacturing PVC pipes and related plastic products through their industrial establishment known as Polyset Pipe Industries. It was alleged that the petitioners had dishonestly manufactured and circulated PVC pipes in the market by falsely using



the brand identity and reputation associated with Jain Irrigation Systems Limited and thereby misleading consumers into believing that the products were genuine goods manufactured or authorized by the said company. On the basis of the said complaint, the police registered the aforementioned FIR and initiated investigation into the allegations. After completion of investigation, the investigating agency filed a charge-sheet before the competent court indicating that *prima facie* material existed on record to proceed against the petitioners for the offences alleged.

3. Learned counsel appearing for the petitioners has contended that the petitioners are running a duly registered industrial unit engaged in manufacturing plastic pipes and allied products and that the said unit possesses necessary statutory registrations including GST registration, MSME registration and consent from the Pollution Control Board. It has been argued that the petitioners have been carrying out legitimate manufacturing activities and that the criminal proceedings have been initiated with *mala fide* intention arising out of commercial rivalry. It is further contended that the essential ingredients of the offences under Sections 420, 468 and 471 of the Indian Penal Code are not satisfied as there was no dishonest intention on the part of the petitioners and no deception was practiced upon the complainant or the public at large. According to the petitioners, the dispute, if any, pertains merely to alleged infringement of trademark or copyright and therefore, the dispute is essentially civil in nature. On these grounds, the petitioners pray that the FIR and the consequent criminal proceedings be quashed.



4 . *Per contra*, learned counsel appearing for the State and the complainant has opposed the petition and submitted that the allegations contained in the FIR clearly disclose commission of cognizable offences which require thorough adjudication by the trial court. It has been contended that the FIR contains specific allegations regarding the petitioners manufacturing and selling PVC pipes by misusing the brand identity associated with Jain Irrigation Systems Limited and thereby deceiving consumers. It is further submitted that the investigation conducted by the police has resulted in the collection of documentary and material evidence supporting the allegations and that the charge-sheet has already been filed before the competent court.

5. Learned counsel appearing for the respondents further contended that the present case is not a mere dispute relating to use of a deceptively similar mark or alleged infringement of copyright, but involves serious allegations of cheating and deception practiced upon consumers in the course of business.

6. It was submitted that during investigation and quality analysis, it was found that the pipes manufactured and supplied by the applicants were of sub-standard quality and did not confirm to the specifications of reputed brands available in the market. Learned counsel argued that the petitioners were allegedly engaged in the practice of rebranding their products depending upon the demand of customers. It was contended that in cases where a purchaser specifically demanded pipes of a particular brand such as “*Jain Pipes*” or “*Super Jain*” or “*Jindal Gold*”, the petitioners used to affix or



mark the said brand names upon their own inferior quality pipes and sell the same as genuine branded products.

7. Learned counsel thus submitted that the conduct attributed to the petitioners *prima facie* discloses dishonest intention and inducement, thereby attracting the ingredients of the offence of cheating as well as allied offences under the Penal Code. It was further argued that such allegations cannot be adjudicated in proceedings under Section 482 of the Code of Criminal Procedure, as they involve disputed questions of fact requiring appreciation of evidence on trial. On the aforesaid grounds, learned counsel for the respondents prayed for dismissal of the petition.

8. Placing reliance upon the judgment of the Hon'ble Supreme Court in the case of **CBI vs. Arvind Khanna (Criminal Appeal No. 1572/2019)**, it was contended that while exercising inherent jurisdiction under Section 482 of the Code of Criminal Procedure, the High Court ought not to undertake a detailed examination of disputed factual aspects or evaluate the defence of the accused. It is argued that the correctness of rival factual claims can only be tested after evidence is adduced during trial and premature appreciation of such material would amount to exceeding the limited jurisdiction vested under Section 482 CrPC.

9. Reliance was also placed upon the judgment of the Hon'ble Supreme Court in the case of **Amit Kapoor vs. Ramesh Chander & Anr., (2012) 9 SCC 460**, to submit that the inherent power of quashing criminal proceedings is to be exercised sparingly and with great caution. It was argued that at the stage of considering a petition under Section 482 Cr.P.C, the Court



is only required to examine whether the allegations in the complaint or charge-sheet disclose a *prima facie* offence and not to meticulously analyse the probative value of the evidence. According to learned counsel, since the present case raises triable issues requiring appreciation of evidence, interference at this preliminary stage is unwarranted. On the strength of the aforesaid submissions and precedents, learned counsel for the respondents prayed for dismissal of the petition.

10. Having heard the learned counsel for the parties and having carefully examined the record, this Court finds that the present petition does not merit interference under Section 482 of the Code of Criminal Procedure. The inherent jurisdiction of the High Court under Section 482 CrPC is undoubtedly wide. However, the same is to be exercised sparingly, cautiously and only in exceptional circumstances where the continuation of criminal proceedings would amount to abuse of the process of court or where the allegations do not disclose commission of any offence.

11. The legal position regarding exercise of inherent powers has been authoritatively laid down by the Hon'ble Supreme Court in the case of **State of Haryana v. Bhajan Lal**, (1992 suppl. 1 SCC 335), wherein the Supreme Court enumerated illustrative categories of cases, where the High Court may exercise its jurisdiction to quash criminal proceedings. The Supreme Court held that the power should be exercised only where the allegations in the FIR, even if accepted in entirety, do not constitute any offence or where the criminal proceedings are manifestly attended with *mala fide* intention. At the same time, the Court cautioned that the inherent powers should be exercised



very sparingly and only in the rarest of rare cases.

12. The principles governing the exercise of inherent powers were further elaborated in the case of **Amit Kapoor(supra)** wherein the Supreme Court observed that the High Court should not conduct a meticulous examination of the evidence at the stage of quashing and that the Court must proceed on the assumption that the allegations made in the complaint are true. The Court emphasized that where the allegations disclose the commission of an offence and the matter requires adjudication upon evidence, the criminal proceedings should ordinarily be allowed to continue.

13. Similarly, in the case of **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, reported in (2020) 10 SCC 180** the Supreme Court reiterated that the High Court should refrain from interfering with criminal investigations or prosecutions at the threshold unless the case falls within the exceptional categories identified in *Bhajan Lal*. The Court emphasized that the criminal law must ordinarily be permitted to take its course and that the High Court should not act as a trial court while exercising jurisdiction under Section 482 CrPC.

14. The petitioners have relied upon several judicial precedents in support of their contention that the criminal proceedings deserve to be quashed. The first judgment relied upon by the petitioners is **Kasim Ali v. State of M.P (ILR 2016 MP 2624)**, wherein this Court had quashed criminal proceedings on the ground that the allegations merely related to the use of a similar trademark in electrical products and that there was no complaint from any consumer alleging that he had been cheated. In that case the Court found



that the provisions of the Copyright Act were not attracted and that the continuation of criminal proceedings would amount to misuse of the process of law.

15. However, the factual matrix of the present case is clearly distinguishable from the situation that arose in *Kasim Ali*. In the present case the FIR contains specific allegations that the petitioners deliberately manufactured and circulated products by misrepresenting them to be associated with the brand identity of Jain Irrigation Systems Limited. Such allegations, if proved, would constitute offences involving deception and dishonest intention. Furthermore, the investigation conducted by the police has culminated in the filing of a charge-sheet indicating the existence of *prima facie* evidence. Therefore, the ratio laid down in the aforesaid judgment cannot be mechanically applied to the present case, where the allegations disclose a *prima facie* case.

16. The petitioners have also placed reliance upon the judgment of the Hon'ble Supreme Court in the case of **Krishika Lulla v. Shyam Vithalrao Devkatta (2016) 2 SCC 521** wherein criminal proceedings relating to alleged copyright infringement in the title of a film were quashed on the ground that a title consisting of common words cannot ordinarily be the subject matter of copyright. The Supreme Court held that the basic requirement of existence of copyright itself, was absent in that case.

17. The reliance placed upon the said judgment is also misplaced. The controversy in *Krishika Lulla(supra)* is related to copyright in the title of a cinematographic work. The Supreme Court held that the title "*Desi Boys*"



did not constitute a literary work capable of copyright protection. In the present case, however, the allegations relate to manufacturing and marketing of goods by allegedly misusing the brand identity of an established company. The issue involved here is not limited to the question of copyright in a title but, relates to alleged fraudulent conduct in commercial activities. Therefore, the principles laid down in *Krishika Lulla (supra)* cannot be applied to the facts of the present case.

18. The petitioners have further relied upon the decision of this Court in the case of **Kamal Kishor v. State of M.P (2015 SCC Online MP 3469)**, wherein the Court examined the legality of prosecution under Section 63 of the Copyright Act, in a case involving alleged possession of duplicate goods. The said judgment was rendered in the peculiar factual circumstances of that case where the Court found procedural irregularities in the investigation.

19. In the present case, no such procedural infirmity has been demonstrated by the petitioners. The FIR has been registered by the competent authority, investigation has been conducted in accordance with law and a charge-sheet has been filed before the trial court. Therefore, the factual foundation of the judgment relied upon by the petitioners is clearly absent in the present case.

20. Reliance has also been placed upon the judgment of the Supreme Court in the case of **Gian Singh v. State of Punjab & Ors. (2012)8 SCR 753** , wherein the Supreme Court discussed the scope of the inherent powers of the High Court to quash criminal proceedings. The Supreme Court observed that



the High Court may quash proceedings where the dispute is predominantly civil in nature and continuation of the prosecution would serve no useful purpose. However, the Court simultaneously cautioned that serious offences involving fraud, economic wrongdoing or offences affecting society at large should not ordinarily be quashed merely because the dispute has civil overtones.

21. Applying the aforesaid principle to the present case, it becomes evident that the allegations involve alleged fraudulent use of brand identity in the course of commercial activities which may potentially affect consumers and the market. Such allegations cannot be treated as a purely civil dispute between private parties.

22. Another significant aspect which cannot be overlooked is that the FIR is a named FIR containing direct and specific allegations against the petitioners. There is nothing on record to indicate that the complaint was lodged with *mala fide* intention or for the purpose of falsely implicating the petitioners. On the contrary, the complaint appears to have been filed after the complainant discovered the alleged misuse of its brand identity in the market.

23. It is also well settled that the evaluation of evidence and determination of disputed questions of fact fall within the exclusive domain of the trial court. The present case involves several factual questions including whether the petitioners manufactured products bearing misleading identity, whether such conduct was intentional and whether consumers were deceived. These issues can only be decided after the parties adduce evidence



before the trial court. This Court cannot undertake such an exercise in proceedings under Section 482 CrPC.

24. In view of the foregoing discussion, this Court is of the considered opinion that the allegations contained in the FIR and the material collected during investigation disclose a prima facie case against the petitioners. The matter requires adjudication upon evidence by the trial court and does not fall within the exceptional categories where the inherent powers of this Court should be exercised to quash criminal proceedings.

25. Consequently, the petition being devoid of merit is **dismissed**. The trial court shall proceed with the matter in accordance with law and decide the case on its own merits without being influenced by any observations made in this order.

(B. P. SHARMA)
JUDGE