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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.07.2026

Pronounced on: 05.08.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P.(MD)No.13640 of 2026

and

Crl.M.P(MD)Nos.13312 & 13743 of 2026

Veerasekar

...Petitioner/Accused

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Intellectual Property Right Enforcement Cell (IPREC),
Trichy Police Station,
Trichy.

Crime No. 3/2025

...1st Respondent/Complainant

2. V.Sakthivel

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the Final Report in C.C.No.1/2026 pending on the file of the Judicial Magistrate No. II, Pudukottai and quash the same in so far as the petitioner is concerned.



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For Petitioner : M/s.S.Bageerathan

For Respondents: M/s.P.Samuel Gunasingh
Counsel for State of TN(crl.side) for R1
M/s.N.Dilip Kumar
for M/s.S.A.Ajin Singh for R2

ORDER

The present petition has been filed by the accused person in C.C.No.1 of 2026, on the file of the learned Judicial Magistrate No.II, Pudukottai, seeking to quash the charge sheet wherein he is charged with the offences under Section 51(b)(i) r/w Section 63(a) of the Copy Right Act, 1957.

2. An artistic work under the title of Sree Manchukonda Nawaab was registered before the Registrar of the copyright in the year 2022, in the name of the Sri Chakravarthy Manchukonda. The said Chakravarthy Manchukonda is the Managing Director of the Manchukonda Agrotech Pvt. Ltd. which is selling rice and rice products. A sales representative of the Company had lodged a complaint before the respondent police on 22.01.2025, alleging that the accused herein has copied the same logo and passing off their products as that of the products of the defacto complainant's company. In view of the above said fact, their business has been impacted and fake products are flooded in the market.



Those rice products marketed by the accused are inferior quality and it has damaged the image of the company. Those products were found to be sold in and around Pudukottai and the complainant's company traded the same of this fake Nawaab rice bags to Manchukonda Agrotech Pvt. Ltd., Pudukottai, where they had stocked and they are selling fake Nawaab rice and cheating the general public. Based upon the said complaint, an FIR was registered on the same date and search was conducted in the rice mill owned by the accused. It was found that the rice bag with logo as Manchukonda Nawab was sold along with the rice. It is further alleged that from the said godown, 1300 kgs of the rice found in 26 kgs bags were seized. It is further alleged that 100 empty bags with the fake logo were also seized. It is further alleged that the fake logo is completely identical and similar to the copyrighted logo, the accused had caused damage to the name of Manchukonda Agrotech Pvt. Ltd. and huge financial loss to them. Based upon the said allegations, the charge sheet has been laid under Section 51(b)(i) and 63(a) of the Copy Right Act. This charge sheet is under challenge in the present petition.

3. According to the learned Counsel appearing for the petitioner, artistic logo is registered in the individual name of one Sri Chakarvarthi Manchukonda. There is no prove whatsoever that this artistic logo was licensed to Manchukonda Agrotech Pvt. Ltd. The complaint has been lodged by the sales



representative of the company. Hence, it is clear that the criminal law has been set in motion by the person who has no *locus standi*, whatsoever.

4. The learned Counsel appearing for the petitioner relying upon a decision of the High Court of Bombay, Nagpur Bench in Crl.A.No.1541 of 2025, contended that the allegation to the copyright infringement cannot be raised if it is found that the accused persons are selling counterfeit goods contained in the labels to be printed. Therefore, they did not amount to an infringement of copyright within the meaning of the copy right Act.

5. The learned Counsel appearing for the petitioner strenuously contended that the concept of deceptive similarity can be invoked only in case of violation of Trade Marks Act. Such a concept is not available in the Copy Right Act. In such circumstances, alleging that the copyrighted logo is almost similar to the logo printed in the rice bags found in possession of the petitioner herein, criminal proceedings cannot be initiated under the copyright Act.

6. The learned Counsel appearing for the petitioner relying upon Section 63 of the Copy Right Act had contended that unless *mens rea* is established, the prosecution under Section 63 cannot be initiated. According to him, there is no reference about any *mens rea* or that the petitioner had knowingly used the copy



righted logo either in the FIR or in the charge sheet and in such circumstances, the charge sheet filed under Section 63 of the Copy Right Act, is not sustainable.

7. Per contra, the learned Counsel for State of TN(Crl.side) appearing for the first respondent had relied upon a decision of this Court reported in **2021 SCC Online Mad 17670**, especially paragraph Nos.13 and 14 and contended that when the ingredients of under Sections 51 r/w Section 63 of the Copy Right Act are present, whether the allegations are true or not has to be decided only during trial. According to him, the disputed facts raised by the petitioner herein cannot be a subject matter of the quash petition.

8. The learned Counsel for State of TN(Crl.side) appearing for the first respondent has further submitted that the criminal law can be set in motion by any person unless a particular Act bars the initiation of a criminal complaint by a third party. He also relied upon the decision of the Hon'ble Supreme Court reported in **2025 SC Online HP 2406** and also the decision of the Hon'ble Supreme Court reported in **(2022) 10 SCC 221**, in support of his contention.

9. The learned Counsel for State of TN(Crl.side) appearing for the first respondent that Sri Manchukonda Nawaab logo is a distinct artistic work which



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has been registered before the Registrar of the Copy Right Act. The said logo has been faked by the petitioner herein in his rice bags. There are no dissimilarity between the original and the fake logo and in such circumstances, it is clear that the petitioner has knowingly used the fake logo in order to derive advantage of the huge quantity of the business available to the original logo. He has further contended that whether the petitioner had *mens rea* or not is within the special knowledge of the petitioner and therefore, the entire burden would be upon him, to establish the same during trial. According to him, the same cannot be a ground or a defence for quashing of the charge sheet. He also relied upon the decision of the Hon'ble Supreme Court reported in **2022 10 SCC 221, *Knit Pro International Vs. State of NCT of Delhi and another***, points out that the offences under Section 63 of the Copy Right Act, is cognisable and non-bailable offence wherein the police authorities are entitled to register an FIR and empowered to file the charge sheet.

10. Per contra, the learned Counsel appearing for the second respondent has submitted that the petitioner is the owner of the rice mill and 1300 kgs of the rice which are filled in the bags contained in the fake logo have been seized. Apart from that, 100 empty bags have also been seized. In such circumstances, a prima facie has been made out as against the petitioner to undergo trial. Hence he prayed for dismissal of the petition.



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11. I have considered the submissions made on either side and perused the materials available on record.

12. A perusal of Section 51 reveals that it explains what is going to be infringed of the Copy Right. Section 63 of the Act declares that infringement of the Copy Right is the offence and imposes the maximum punishment of not less than six months which may extend upto 3 years and with Fine. Therefore, it is clear that the infringement of copyright is treated as a criminal offence.

13. The Hon'ble Supreme Court in a judgment reported in **(1984) 2 SCC 500, A.R.Antulay Vs. Ramdas Srinivas Nayak and Another**. Paragraph No.6 of the judgment is extracted as follows:-

6. It is a well recognised principle of criminal jurisprudence that anyone can set or put the criminal law into motion except where the statute enacting or creating an offence indicates to the contrary. The scheme of the Code of Criminal Procedure envisages two parallel and independent agencies for taking criminal offences to court. Even for the most serious offence of murder, it was not disputed that a private complaint can, not only be filed but can be entertained and proceeded with according to law. Locus standi of the complainant is a concept foreign to criminal jurisprudence save and except that where the statute creating an offence provides for the eligibility of the complainant, by necessary implication the general principle gets excluded by such statutory provision."



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14. The Hon'ble Supreme Court in a judgment reported in **(2001) 5 SCC 407, Manohar Lal Vs. Vinesh Anand and others**. Paragraph No.5 of the judgment is extracted as follows:-

“5. Before advertng to the matter in issue and the rival contentions advanced, one redeeming feature ought to be noticed here pertaining to criminal jurisprudence. To pursue an offender in the event of commission of an offence is to subserve a social need - society cannot afford to have a criminal escape his liability, since that would bring about a state of social pollution, which is neither desired nor warranted and this is irrespective of the concept of locus the doctrine of locus standi is totally foreign to criminal jurisprudence.

15. In the present case, a careful perusal of the Copy Right Act does not disclose any eligibility for the complainant or by necessary implication, designate some specific authority to the complaint. In view of the judgment of the Hon'ble Supreme Court cited supra, the petitioner cannot raise the issue of *locus standi* while criminal law is set in motion. That apart, a copyright has been registered in the name of Sri. Chakravarthy Manchukonda, who is the Managing Director of the Manchukonda Agrotech Pvt. Ltd. The sales representative of the said company had lodged a compliant. Whether the individual copyright owner had granted a license or permitted the company to



use the said copyright would be an internal dispute, and as far as the petitioner herein, who is a third party cannot take advantage of the non-disclosure of the same. In such circumstances, this Court does not find that the plea of lack of *locus standi* is sustainable in the eye of law.

16. The learned Counsel appearing for the petitioner had further contended that under Section 63 of the Copy Right Act, unless the charges are made to the effect that the person has knowingly infringed the copy right, it cannot be treated as an offence.

17. The Hon'ble Supreme Court in a judgment reported in **(2009) 1 SCC 516**, . Paragraph No.15 of the judgment is extracted as follows:-

“15. Propositions of law which emerge from the said decisions are:

(1) The High Court ordinarily would not exercise its inherent jurisdiction to quash a criminal proceeding and, in particular, a first information report unless the allegations contained therein, even if given face value and taken to be correct in their entirety, disclosed no cognizable offence.

(2) For the said purpose the Court, save and except in very exceptional circumstances, would not look to any document relied upon by the defence.

(3) Such a power should be exercised very sparingly. If the allegations made in the FIR disclose commission of offence, the Court shall not go beyond the same and pass an order in favour of the accused to hold absence of any mens rea or actus reus.

(4) If the allegation discloses a civil dispute, the



same by itself may not be a ground to hold that the criminal proceedings should not be allowed to continue.”

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18. In the present case, the registered copyright of artistic logo and the logo used by the petitioner herein have found to be almost similar without any dissimilarities. 1300 kgs of the rice packed in sacks reflecting the fake logo were found in the rice godown of the petitioner. Apart from that, 100 empty bags with the fake logo have also been seized from the premises. The charge sheet also points out that the registered copyright has been copied in entirety in the fake logo used by the petitioner herein. It is not contended on the side of the petitioner that they had used the logo without having any knowledge about the registration of the copyright. In such circumstances, as pointed out by the Hon'ble Supreme Court in the judgment reported cited supra, when FIR discloses the commission of the offence, the Court cannot go beyond the same and pass order in favour of the accused to the effect that there is absence of *mens rea*.

19. It is further contented on the side of the petitioner that the concept of deceptive similarity is alien to the copyright law and it is confined only to cases of infringement of the Trade Mark. This Court had already pointed out that FIR and the charge sheet reveal that the copyrighted logo and the fake logo used by the petitioner are one and the same. There is no dissimilarity whatsoever either



in the design, colour, font, background or the bag material. Therefore, it is clear that the logo used by the petitioner as well as copyrighted logo are almost the same. Though the concept of deceptive similarity is applied in trade mark law, copyright law invokes the test of substantial similarity while considering the infringement of copyright.

20. The Hon'ble Supreme Court in a judgment reported in (1978) 4 SCC

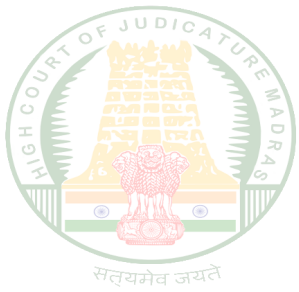
118,. Paragraph No.46 of the judgment is extracted as follows:-

46. Thus, on a careful consideration and elucidation of the various authorities and the case law on the subject discussed above, the following propositions emerge:

1. There can be no copyright in an idea, subject-matter, themes, plots or historical or legendary facts and violation of the copyright in such cases is confined to the form, manner and arrangement and expression of the idea by the author of the copyrighted work.

2. Where the same idea is being developed in a different manner, it is manifest that the source being common, similarities are bound to occur. In such a case the courts should determine whether or not the similarities are on fundamental or substantial aspects of the mode of expression adopted in the copyrighted work. If the defendant's work is nothing but a literal imitation of the copyrighted work with some variations here and there it would amount to violation of the copyright. In other words, in order to be actionable the copy must be a substantial and material one which at once leads to the conclusion that the defendant is guilty of an act of piracy.

3. One of the surest and the safest test to determine whether or not there has been a violation of copyright is to see if the reader, spectator or the viewer after having read or seen both the works is clearly of the opinion and gets an unmistakable impression that the subsequent work appears



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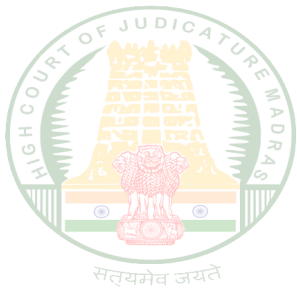


to be a copy of the original.

4. Where the theme is the same but is presented and treated differently so that the subsequent work becomes a completely new work, no question of violation of copyright arises.

5. Where however apart from the similarities appearing in the two works there are also material and broad dissimilarities which negative the intention to copy the original and the coincidences appearing in the two works are clearly incidental no infringement of the copyright comes into existence.”

21. A careful perusal of the judgment of the Hon'ble Supreme Court cited supra, especially clauses 2 and 3, will clearly point out that violation of the copy right has to be viewed from the angle of the spectator or the viewer and whether he would get an unmitigated impression that the subsequent work appears to be a copy of the original. The Hon'ble Supreme Court has further found that the Court should determine whether or not the similarities are on fundamental or substantial aspects of the mode of expression adopted in the copyrighted work. In the present case, the allegation as against the petitioner is that he has completely copied the logo and there are no dissimilarities whatsoever. In such circumstances, the contention of the learned Counsel for the petitioner that the charge sheet has invoked the principles of deceptive similarity and therefore, it is liable to be quashed, cannot be countenanced in the light of the judgment of the Hon'ble Supreme Court.



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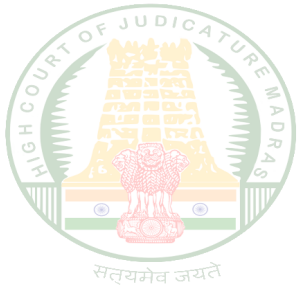
22. The petitioner had not made out any case for quashing of the charge sheet, especially when the legal grounds raised by the petitioner herein have been answered as against the petitioner.

23. The finding of this Court rendered above are confined only for the purpose of disposal of the quash petition. The trial Court is directed to dispose of the criminal case on merits and in accordance with law without being influenced by any one of the observations made by this Court.

24. In view of the above said deliberations, there are no merits in the petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

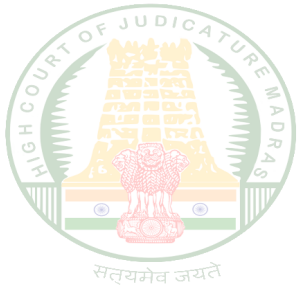
05.08.2026

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- To
1. The learned Judicial Magistrate No. II,
Pudukottai.
 2. The Inspector of Police,
Intellectual Property Right Enforcement Cell (IPREC),
Trichy Police Station,
Trichy.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

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Pre-delivery order made
in
Crl.O.P.(MD)No.13640 of 2026

05.08.2026