

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 28 OF 2015

Mr. Umesh Laxman Dighe ..Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Vishal Gupta for the Applicant.
Mr.A.R.Shaikh, APP for the Respondent/State.
Mr.Gauraj Shah for the Respondent No.2.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JANUARY 21, 2015.**

P.C.

1. Heard learned Counsel appearing for the applicant. This application is filed under Section 482 of Cr.P.C. for quashing and setting aside FIR No.66 of 2011 registered at Bandra Kurla Complex Police Station, at the instance of respondent no.2 for the offence punishable under Section 63(b) and 64 of the Copy Right Act, 1957 and Section 292 of IPC.

2. Subsequent to the filing of the said FIR parties to the petition

have settled their dispute amicably and in pursuance thereto filed present application for quashing of the proceeding of the said FIR by consent.

3. The respondent no.2 has filed an affidavit dated 18.12.2014. In para 4 of the affidavit the respondent no.2 has stated that he has no objection if the above referred FIR is quashed. The respondent no.2 is personally present in the court. On specific query he stated that he has gone through the contents of the affidavit and he has made the said statement in the affidavit on his free will, without there being any pressure or undue influence. He further confirmed that he has no objection to quash the FIR filed by him against the applicant for the offence punishable under Section 63(b) and 64 of the Copy Right Act, 1957.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of *Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]*,

we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of *Narinder Singh vs. State of Punjab* [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings.

6. Accordingly, application is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)