

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 57 OF 2015**

Mrs. Bela Shankar Mandelia	..Applicant
v/s.	
The State of Maharashtra & Ors.	..Respondents

Mr. S.S.Butala i/b. M/s. S.S.Butala & Associates for the Applicant.
Mr.K.V.Saste, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JANUARY 29, 2015.**

P.C.

1. This application is filed under the provisions of Section 482 of Cr.P.C. for quashing of the FIR bearing No. I-08/2015 dated 6th January, 2015 registered by Kasarwadavli Police Station, Thane, at the instance of respondent no.3 against the applicant for offence punishable under Section 420 of IPC, 65 of Information Technology Act and 63(b), 64 of the Copy Right Act, 1957.
2. During pendency of the investigation, parties settled their disputes amicably, and in pursuance of the understanding arrived at between the parties, this application is filed for quashing the FIR.
3. The respondent no.3 has filed affidavit dated 19th January,

2015. In paragraph 4 of the affidavit he has stated that he has filed the affidavit without any coercion and has no objection for quashing the proceeding of the said FIR bearing No.I 08/2015 registered under Section 420 of IPC, 65 of I.T.Act and 63(b), 64 of the Copy Right Act, 1957, filed with the Kasarwadavali Police Station. Respondent No.3.is personally present before the Court. On specific query made by us, he submitted that he has made the statement in the affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR filed by him. It can thus be seen that the dispute between the parties is amicably settled. The allegation made against the applicant is personal in nature and no public law is involved in the crime. In the 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.

4. 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.

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

6. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.5000/- (Rupees Five Thousand Only) to the Tata Memorial Cancer Hospital, Mumbai and produce a copy of the receipt on the file of this application within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)