

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 58 OF 2015**

Chandrakant Sadashiv Kale & Ors. ..Applicant/s
v/s.
The State of Maharashtra & Ors. ..Respondents

Mr. S.S.Butala i/b. Mr.S.S.Butala & Associates for the Applicant/s.
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 the F.I.R. bearing C.R.No. 12 of 2014 registered against the petitioner at the instance of respondent no.3, by the Alandi Police Station, Pune for the offence under Section 63(b), 64 of the Copy Right Act, 1957.
2. Pending the investigation, the parties settled the dispute amicably. The respondent no.3 accordingly has filed affidavit dated 17th January, 2015. In paragraph 4 of the affidavit, no objection is given for quashing the FIR bearing C.R.No. 12 of 2014. Respondent No.3 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in affidavit

on his own free will, without there being any pressure or undue influence. He further confirmed that he has no objection for quashing the criminal proceedings in question initiated by him against the applicant. It can thus be seen that the dispute between the parties is 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.

3. 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.

4. Application is allowed in terms of prayer clause (a).

5. 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.)