

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

CRIMINAL APPLICATION NO. 87 OF 2015

Yakesh Kumar Jile Singh ..Applicant

v/s.

M/s. Ajanta Pharma Ltd. & Anr. ..Respondents

Mr. M.VKazi for the Applicant.

Mr.K.S.Labane for the Respondent No.1

Mrs. M.M.Deshmukh, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : FEBUARY 4, 2015.

P.C.

1. Heard. This application is filed under the provisions of Section 482 of Cr.P.C. for quashing the proceeding of Criminal Case No.512 of 2004 pending before the learned Judicial Magistrate, First Class, III Court, Kalyan.

2. The respondent no.1 filed a private complaint against M/s. Cooper Pharma in which the petitioner is serving as accountant and another person by name Rakesh Bhargav for the offence punishable

under Section 103 and 104 of the Trade Mark Act, 1999, Section 63 of the Copy Right Act, 1957 and Sectin 421 r/w. 109 of IPC.

3. In private complaint filed by the petitioner being Regular Criminal Case No.170 of 2004 the learned Magistrate by order dated 30.4.2004 referred the matter for investigation under Section 156(3) of Cr.P.C. In pursuance of this order, the Ram Nagar Police Station, by registering an offence against the petitioner carried out investigation and after completion of the same filed chargesheet in the court of JMFC, III Court at Kalyan against the present petitioner for offence under section 420 r/w. 109 of IPC.

4. Meanwhile the dispute between the petitioner and the respondent no.1 is amicably settled and they have agreed for quashing of the proceeding of the said criminal case. In pursuance of the said understanding present application is filed for quashing the said criminal proceeding by consent.

5. One Asim Hazra, the Asst. Manager, Legal of the respondent no.1 has filed an affidavit. He also filed authority letter issued by the respondent no.1 in his favour. In paragraph 8 of the said affidavit he has given no objection for quashing the proceeding of the said

criminal case. Mr. Asim, representative of the respondent no.1 is personally present in the court and on specific query made by us, he submitted that he has made the said statement in the affidavit without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the criminal proceedings in question against the applicant.

6. 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.

7. 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.

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

9. 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.)