

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

CRIMINAL APPLICATION NO. 170 OF 2015

Vishal Venkatray Raikar & Ors. ..Applicants

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. S.S.Butala i/b. S.S.Butala & Associates for the Applicants.
Mr.S.K.Shinde, P a/w. Mr.K.V.Saste, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : FEBRUARY 26, 2015.**

P.C.

1. Heard learned Counsel for the petitioner and the respondent no.3 in person.
2. This application is filed under the provisions of Article 482 of Cr.P.C. for quashing the proceeding of the FIR bearing no.II-4 of 2015 registered at Kasarwadavli Police Station. Said FIR is registered against the applicant at the instance of the respondent no.3 for the offence punishable under Section 292 of IPC r/w. section 63(b) and 64 of the Copyright Act, 1957 and Section 65 and 67 of the Information Technology Act, 2000.

3. During investigation, the parties have settled their dispute. Pursuant to the understanding arrived between them, this application is filed for quashing the proceeding of said C.R. by consent. Respondent no.3 has filed affidavit dated 21.2.2015. In para 4 of the affidavit he has stated that he has no objection for quashing the FIR No II 4/2015 registered with Kasarwadavli Police Station. He has also stated that he is giving no objection voluntarily and without any coercion.

4. Respondent no.3 is personally present before the court. On specific query he states that he has made the said 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 criminal proceedings in question initiated by him against the applicant vide the aforesaid FIR.

5. 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.

6. 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.

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

8. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.5000/- (Rupees Five Thousand Only) to the cancer hospital, namely **Shanti Avedana Sadan**, situated at 216, Mount Mary Road, Bandra (West), Mumbai 400 050 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.)