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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 429 OF 2014

Mr. Divyesh Harish KhadyeApplicant
versus
1. The State of Maharashtra
2. Mr. Yogesh Sadashiv JagdaleRespondents

Mr. Kamlesh More, advocate for the applicant.
Mr. J. P. Yagnik, APP for the State.
Ms. Bharti Singh i/b. Ms. Ashni Desai, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 29th JULY, 2015.

P.C.:

Mr. More, learned counsel for the applicant, at the outset, seeks leave to amend the prayer clause of the application, so as to give particulars of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried forthwith.

2. Heard learned counsel and learned APP appearing for the respective parties.

3. The application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the proceedings of C.C. No.211/PW/2014 pending on the file of 4th Metropolitan Magistrate

Court at Girgaon. The said case arises out of FIR bearing C.R. No.929/2013 registered with Tardeo Police Station, Mumbai, at the instance of respondent No.2, for offences punishable under Sections 63B and 64 of the Copy Right Act, 1957.

4. Pending trial, the parties have settled their dispute amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 22nd July, 2015. In paragraph 4, he has given his no objection for quashing and setting-aside the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that whatever has been stated in the affidavit is true and correct and he has no objection for quashing and setting the subject criminal case.

5. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 2014 AIR (SCW) 2065**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed and set-

aside. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6. Accordingly, C.C.No.211/PW/2014 pending on the file of 4th Metropolitan Magistrate Court at Girgaon and arising out of FIR being C.R.No.929 of 2013 is quashed and set-aside, subject to payment of costs of Rs.10000/- by the applicant. The applicant shall deposit the costs with Central Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this application within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the criminal application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)