

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

CRIMINAL WRIT PETITION NO. 1744 OF 2015

Manish Subhash Sawant

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Sham Walve a/w. Vicky Shah i/b. Eagle Eye for the Appellant.

Mrs. M.H.Mhatre, APP for the Respondent/State.

Mr.Yogesh Jagdade for the Respondent No.2.

Not on board. On production taken on board.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 23, 2015.

P.C.

1. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of FIR No. 116 of 2015 registered by MIDC Police Station , Andheri at the instance of respondent no.2 for the offence punishable under Section 63b, 64 of the Copy Rights Act.

2. Pending investigation parties settled their dispute amicably and have approached this court for quashing and setting aside FIR

No.116 of 2015 registered with MIDC Police Station.

3. The respondent no.2 accordingly has filed affidavit dated 23.4.2015. In paragraph 4 of the affidavit, no objection is given for quashing the proceeding of the said FIR No.116 of 2015 under Section 63b, 64 of Copy Right Act lodged with MIDC Police Station.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted 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 Petitioner for the offence punishable under sections 63b, 64 of the Copy Right Act.

5. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioner is personal in nature and no element of 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/petition is allowed in terms of prayer clause (b).

9. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.10000/- (Rupees Ten Thousand Only) to the Tata Memorial Cancer Hospital, Mumbai within a period of two weeks from the date of receipt of this order. If the costs is not paid within the stipulated period, the petition shall stand dismissed without further reference to the court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)