

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 865 OF 2015

Mr. Vijay Ram Naik	..Applicant
Versus	
1.The State of Maharashtra	
2. Senior Inspector of Goregaon Police	
Station, Mumbai	
3. Yogesh Sadashiv Jagdale	..Respondents

Mr. S. S. Butala i/b. S.S.Butala and associates, advocates for the applicant.
Mrs. M. H. Mhatre, APP for the State.
Respondent No.3 present-in-person.

**CORAM : RANJIT MORE &
 R. G. KETKAR, JJ.**

DATE : 4th SEPTEMBER, 2015.

P. C. :

Heard learned counsel for the applicant, learned APP for the State and respondent No.3 in person.

2. The criminal application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of C.C. No.1894/PW/2010 pending on the file of learned 67th Metropolitan Magistrate at Borivali, Mumbai. The said case arises out of registration of FIR bearing L.A.C.No.55/2010 with Goregaon Police Station, at the instance of respondent No.3, for the offences punishable under Sections 63(B) and 64 of the Copy Right Act, 1957.

3. Pending trial, the parties settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.3 has filed an affidavit, which is annexed at page 62 of the application. In paragraph 4, he has stated that he has no objection for quashing the proceedings arising out of the subject FIR. Respondent No.3 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject criminal case and FIR are quashed and set-aside. He also stated that he is giving no objection for quashing the subject criminal proceedings out of free will and without there being any pressure or coercion.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [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. 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, the criminal application is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.5000/-, or in the alternative, donating books worth Rs.5000/- to the **"Kirtikar Law Library"** by the applicant. The applicant shall produce the receipt in

respect of the costs/donation thereof on the file of this Court within a period of four 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.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]