

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 897 OF 2015

1. Mr. Navin Nandram Joshi	
2. Mr. Mukesh Jawaharlal Patel	..Applicants
Versus	
1. The State of Maharashtra	
2. Mr. Prakash Ingle	..Respondents

Ms. Sonal K. Bagedia, advocate for the applicants.
Mrs. P. H. Kantharia, APP for the State.
Mr. Prakash Ingle, respondent No.2 present-in-person.

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

DATE : 6th OCTOBER, 2015.

P. C. :

Heard learned counsel for the applicants, learned APP and respondent No.2 in person.

2. The application is filed under section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR being CR No.1255 of 2014 registered with Mulund Police Station, at the instance of respondent No.2, for the offences punishable under Sections 63(b) and 64 of the Indian Copyright Act, 1957. The first informant is the Chief Executive Officer of Perfect Anti Piracy Force Company and the FIR is filed on behalf of the said Perfect Anti Piracy Force Company for using pirated software of Modular Infotech Pvt.Ltd.

3. Pending investigation, the parties settled their dispute amicably and, in pursuance of an understanding arrived at between them, have approached this Court for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 15th September, 2015. In the last paragraph of the said affidavit, he has given his no objection for quashing the subject FIR. He has also placed on record the authority letter of Modular Infotech Pvt.Ltd who has given him the authority to settle the matter. In the said authority letter, Modular Infotech Pvt. Ltd. has also given its no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has understood the contents thereof. He further stated that whatever has been stated in the said affidavit is true and correct, and he has no objection if the subject FIR is quashed and set-aside.

4. 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 subject FIR is 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.

5. Accordingly, the criminal application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the applicants. The applicants shall deposit the costs with Tata Memorial Hospital for the use of its philanthropic purposes and thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

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

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.