

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

CRIMINAL WRIT PETITION NO. 4430 OF 2013

Ghanshyam R. Jetwani .. Applicant

v/s.

Niket Vilas Patil & Anr. ..Respondents

Mr. G.K. Jadhav for the petitioner
Mr. Niket Patil, respondent in person present
Mrs. M.H. Mhatre, APP for respondent State

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

DATED: 17th AUGUST, 2015.

PC.

1. Leave to amend the petition so as to correct Criminal Case number. Leave is granted. Necessary amendment shall be carried out forthwith.

2. Heard. This petition is filed under Article 226 of the Constitution of India for quashing the proceedings of the Criminal Case No.1984/PW/2012, pending on the file of learned

Metropolitan Magistrate, 22nd Court, Andheri, Mumbai. The said case arises out of registration of FIR bearing C.R. No.09 of 2012 with Sahar Police Station, Mumbai at the instance of one Ganesh Pathare, Field Officer of M/s. Anti Piracy Enforcement Services Pvt. Ltd. for offence punishable under Sections 51 and 63 of the Copy Right Act.

3. Pending trial, the parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present petition for quashing of the said C.R., by consent. The respondent no.1 Niket Patil has filed an affidavit dated 10th December, 2013. In paragraph 4, he has stated that he has authorized person of M/s. Anti Piracy Enforcement Services Pvt. Ltd. and he has authorized to withdraw the subject criminal case. He relied upon the resolution, passed by M/s. Anti Piracy Enforcement Services Pvt. Ltd., copy of which is annexed at page 60 to the petition. The respondent no.1 is personally present in the Court. On specific query made by us, he submitted that he

has no objection for quashing the FIR and consequential criminal proceedings.

4. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab (2014) AIR SCW 2065* would squarely apply to the facts of the present case and as such there is no impediment in quashing the criminal complaint.

5. Accordingly, the Writ Petition is made absolute in terms of prayer clause (a), subject to petitioner to pay costs of Rs.5,000/- to Kirtikar Law Library within a period of two weeks from the date of receipt of a copy of this order. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)