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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4431 OF 2013

1. Bohran Mathiha Rehman Malik
2. Raju Dilip Pulkit
3. Pratap L. Bhanushali
4. Amarchand Fulchand YadavPetitioners
versus
1. Niket Vilas Patil
2. The State of MaharashtraRespondents

Mr. G. K. Jadhav, advocate for the petitioners.
Mr. Prem Sagar Bind, advocate for respondent No.1.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATED : 19th AUGUST, 2015.

P.C.:

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

2. The writ petition is filed invoking the provisions of Article 226 of the Constitution of India for quashing and setting-aside the FIR bearing CR No.31 of 2013 registered with Wadala Police Station, Mumbai, at the instance of respondent No.1, for offences punishable under Sections 51 and 63 of the Indian Copyright Act, 1957.

3. Pending investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject FIR by consent. The FIR was filed by respondent No.1 on behalf of M/s. Anti Piracy

Enforcement Service Ltd. By passing a resolution on 12th November, 2013, the said company has authorized respondent No.1 to withdraw the subject FIR. In pursuance of this authorization, respondent No.1 has filed an affidavit dated 10th December, 2013. In paragraph 3, he has given no objection for quashing and setting-aside the subject FIR. Respondent No.1 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 if the subject FIR is quashed and set-aside qua the petitioners.

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 FIR bearing CR No.31 of 2013 is quashed and set-aside qua the petitioners subject to payment of costs of Rs.5000/-

by the petitioners. The petitioners shall deposit the costs with Tata Memorial Hospital and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

(V. L. ACHLIYA, J.)

(RANJIT MORE, J.)