

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 123 OF 2016**

Saud Abdulkayum Ansari  
and Others.

..Petitioners.

Versus

Niket Vilash Patil and Another.

..Respondents.

Mr. G. K. Jadhav for the Petitioners.

Mr. Prem Sagar Bind for Respondent No. 2.

Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &  
K. R. SHRIRAM, JJ.

Date : **January 27, 2016.**

P. C. :

1. Heard learned Counsel appearing for the respective parties. By this writ petition filed under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, the Petitioners are seeking to quash the proceedings of CC No.1921 of 2015 pending on the file of JMFC, Bhiwandi, Thane. The said proceeding is the result of an FIR registered against the Petitioners with Narpoli Police Station, Bhiwandi. The FIR is registered at the instance of Respondent No.1 herein, wherein the allegations against the Petitioners are with regard to the commission of the offence punishable under sections 51 and 63(b) of the Copy Right Act, 1957.

2. The learned Counsel appearing for the respective parties

submitted that during the pendency of above criminal proceedings, the parties, i.e., the Petitioners, Anti Piracy Enforcement Services Pvt. Ltd and Wilcom International Limited have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant petition is filed for quashing the above criminal proceedings, by consent of original complainant-Respondent No.1 herein.

3. Respondent No.1 has filed an affidavit dated 4<sup>th</sup> January 2016. He has placed on record the resolution passed by Anti Piracy Enforcement Services Pvt. Limited wherein he has been authorised to withdraw the subject FIR. In the affidavit, Respondent No.1 has stated that the Petitioners have settled the disputes with his company as well as Wilcom Company, on whose behalf the said FIR was filed and that they have instructed him to withdraw the prosecution against the Petitioners. He has accordingly stated in the affidavit that he is withdrawing all the allegations levelled against the Petitioners and giving consent for the quashing of the prosecution.

4. Respondent No.1 is personally present before the Court. On specific query made by us, he submitted that he has made the said

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 the Petitioners for the offence punishable under sections 51 and 63(b) of the Indian Copyrights, 1957.

5. 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. There is no element of public law involved in the crime. In these 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. 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 subject criminal proceedings. Accordingly, writ petition is made absolute in terms of prayer clause (a). However, in the facts and circumstances of the case we are of the view that the parties need to

be saddled with costs.

. The Petitioners shall pay the cost of Rs.10,000/- to the TATA Memorial Hospital, Mumbai and Respondent No. 1 shall pay cost of Rs.10,000 to "Shanti Avedna Sadan" an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners and Respondent No. 1 shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station / Magistrate that subject FIR or proceedings CC shall not be treated to have been quashed and that police / Magistrate shall proceed against the Petitioners in accordance with law.

**[K. R. SHRIRAM, J.]**

**[RANJIT MORE, J.]**