

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

Criminal Appln. U/s 482 NO.64 OF 2016

Bharat Soni	...Applicant
<i>Versus</i>	
Verdu Canto S. L.	
Thorough its Authorized Representative	
Mr.Shrikant Deshmukh And Anr	...Respondent(s)

*MR. MUJIB MUSHIR KHAN FOR THE APPLICANT.
MR. PARWEZ A. SIDDIQUI & MR. TANAJI LIMAN FOR RESP. NO.1.
MRS. M.H. MHATRE, APP FOR RESPONDENT NO.2.*

**CORAM: A.S. OKA &
 A.A. SAYED, JJ**

DATED: 7th June, 2016

PC:-

1 Rule. The learned APP waives service for the second Respondent. Learned Counsel appearing for the first Respondent waives service. Forthwith taken up for final disposal.

2 One Shri Shrikant Deshmukh claiming to be attorney and authorized representative of the first Respondent which is a Company—Verdu Canto S.L. lodged a complaint with the police alleging commission of various offences against the Applicant including the offences punishable under

sections 103 and 104 of Trade Marks Act, 1999. It was claimed that the Applicant has committed offences punishable under sections 63 and 65 of the Copyright Act, 1957 and sections 420, 487, 488 read with section 34 of the Indian Penal Code.

3 The prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is for quashing the FIR and proceedings before the learned Magistrate on the basis of the FIR. There is a Reply filed by Shri Shrikant Deshmukh on behalf of the first Respondent. A true copy of the power of attorney executed in his favour by the first Respondent on 29 August 2006 is annexed to the Affidavit. A true copy of the Deed of Undertaking executed by the Applicant on 29 July 2015, it is annexed to the Affidavit. In the Affidavit, Shri Deshmukh has stated that there is a complete settlement between the first Respondent and the Applicant as an undertaking has been given by the Applicant which is annexed to the Application. He has stated that therefore the first Respondent has no objection if the Application is allowed.

4 We have perused the allegations in the FIR. We find that the case is having overwhelming civil flavor as the dispute is basically a mercantile dispute. The offences alleged are of private nature. They do not have any impact on the society in general. As there is a complete settlement of the dispute, in view of the law laid down by the Apex Court in the case of **Gian**

Singh vs. State of Punjab¹ this is a fit case to exercise the power under section 482 of Cr.P.C. for quashing criminal proceedings. In view of the complete settlement between the contesting parties, no purpose will be served by continuing the criminal proceedings.

5 Hence, we allow the Application by passing following order:

i) Rule is made absolute in terms of prayer clauses (b) and (d) which read thus:

“(b) this Hon'ble Court may be pleased to quash and set aside the F.I.R. bearing C.R. No.797/07 registered with the Powai Police Station, Mumbai and on the file/record of the Ld. Magistrate of 25th Court at Mazgaon, Mumbai under No.674/PW/07, on such terms and conditions as this Hon'ble Court may deem fit and proper only in favour of the Petitioner herein.

(d) On the final disposal of this petition, this Hon'ble Court shall be pleased to grant release of goods seized from the Petitioner by the officers of Respondent No.2 in CR No.18/2007 of C.B. Control-II and FIR No.797/07 registered with the Powai Police Station, Mumbai, and be handed over to the Respondent No.1 and/or its authorized representatives;”

ii) All concerned to act on the authenticated copy of the judgment and order.

(A.A. SAYED,J.)

(A.S. OKA,J.)

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¹ (2012) 10 SCC 303