

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

**CRIMINAL APPLICATION NO.800 OF 2014
WITH
CRIMINAL APPLICATION NO.717 OF 2014**

M/s. CEX Webuy Entertainment
Pvt. Ltd. & Ors. .. Applicants

V/s.

The State of Maharashtra & Anr. .. Respondents

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Mr. Jayant J. Bardeskar, Advocate for the Applicants.
Dr. F. R. Shaikh, APP for the Respondent No.1.
Mr. Ninad Muzumdar, Advocate for the Respondent No.2.

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CORAM : A.S. OKA AND P.D. NAIK, JJ.

DATED : APRIL 25, 2016.

P.C.

Rule. Learned APP waives service for the State of Maharashtra. Learned counsel appearing for the 2nd respondent waives service. Forthwith taken up for final disposal.

2 In Criminal Application No.800 of 2014 the prayer is for quashing the first Information Report (FIR) registered with Airport Police Station, Pune for the offences punishable under Section 51, 63 and 69 of the Copyright Act, 1957. The second

respondent is the first informant who filed a complaint on behalf of M/s. Weg Entertainment Pvt. Ltd. In criminal application No.717 of 2014, the parties are same. However, the prayer is for quashing a different FIR registered at the instance of the second respondent at Ghatkopar Police Station, Mumbai under Sections 51 and 63 of the Copyright Act. The second respondent has registered the said FIR on behalf of same company M/s. Weg Entertainment Private Limited.

3 There is a reply filed by the second respondent in Application No.800 of 2014 to which Consent Terms duly signed by the applicant and the second respondent and their respective advocates have been annexed. The Consent Terms record that on payment of consideration by the applicant to the second respondent all the subsisting disputes between the parties have been settled. All the terms and conditions of the settlement have not been incorporated in the Consent Terms as clause (g) thereof records that the terms of the settlement are confidential.

4 In criminal application no.717 of 2014 along with the affidavit of second respondent, similar Consent Terms are signed by the parties and their respective advocates have been annexed.

Even, in this case, on payment of consideration, the disputes between the parties have been settled. Even the said Consent Terms record that the terms of the settlement are private and confidential.

5 After having perused the FIRs, subject matter of challenge in both the applications, we find that the dispute between the applicant and the employer of the second respondent is purely a commercial dispute which has been completely settled as evidenced from the Consent Terms annexed with the reply filed by the second respondent. The offence complained of is of a private nature and does not have any serious impact on the society. In view of settlement between the parties, chances of conviction are very bleak. Therefore, in the light of the law laid down by the Apex Court in the case of ***Gain Singh Vs. State of Punjab & Anr.***¹, this is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure, 1973 for quashing the offences.

6 We find that in case of a predominately commercial dispute, the employer of the second respondent instructed the

1 2012 (10) SCC 303

second respondent to set criminal law in motion. The police machinery was required to take several steps starting from registration of the FIR. Therefore, this is a fit case where the second respondent will have to be directed to pay costs of Rs.10,000/- in each case to the Police Welfare Fund.

7 Accordingly we pass the following order:

:: ORDER ::

(i) Criminal Application No. 800 of 2014 is made absolute in terms of prayer Clause (a) which reads thus:

“(a) This Hon'ble Court may be pleased to quash the present Complaint bearing CR No.3086 of 2014 registered with the Vimantal Police Station, Pune since no case is made out against the present Applicants;”

(ii) Criminal Application No.717 of 2014 is made absolute in terms of prayer Clause (a) which reads thus:

“(a) This Hon'ble Court may be pleased to quash the present Complaint hearing CR No.1599 of 2013 registered with the Ghatkopar Police Station since no case is made out against the present Applicants;”

(iii) The second respondent is directed to pay a sum of Rs.10,000/- by way of cost to the Police Welfare Fund in each application within a period of one month from today. Compliance affidavit shall be filed by the second respondent within a period of five weeks from today.

(iv) On the failure to file compliance affidavit within the stipulated time, Registry shall place the applications under the caption of “Directions”.

(P.D. NAIK, J.)

(A.S. OKA, J.)