

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1329 OF 2015

Mr. Shivprasad Ravindra Shetty ...Applicant
Versus
State of Maharashtra and ors. ..Respondents

Mr. S. S. Butala i/b. S. S. Butala and Associates, advocate for the applicant.
Mrs. U. V. Kejriwal, APP for the State.
Ms. Pooja S. Ail, advocate for respondent No.3.

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

DATE : 18th FEBRUARY, 2016.

P. C. :

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of FIR No. II 89/2015 registered with Kashimira Police Station, Thane, at the instance of respondent No.3, for the offences punishable under Sections 51, 63B and 64 of the Indian Copyright Act, 1957.

3. Pending investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the subject FIR

by consent. Respondent No.3 is authorized by Modular Infotech Pvt. Ltd. to withdraw and quash the FIR wherever necessary in the Court of Law with due approval from the Company. Respondent No.3 has placed on record the "No Objection Certificate" from Modular Infotech Pvt. Ltd. wherein "No Objection" is given to dispose of and settle the present application. Respondent No.3, accordingly, has filed an affidavit dated 10th February, 2016. In paragraph 4, he has given no objection for quashing the subject FIR. Respondent No.3 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside.

4. 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. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [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. 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/-, out of which, Rs.10,000/- to be paid by the applicant and Rs.10,000/- to be paid by respondent No.3. The parties shall deposit the costs with Central Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060 and thereafter produce the receipts thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal application stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]