

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1354 OF 2015

Lumenis India Pvt. Limited. ..Applicant.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Avinash Singh i/b Indus Law for the Applicant.

Mr. Wesley Mengez for Respondent No.2.

Mr. J. P. yagnik, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **January 8, 2016.**

P. C. :

1. Heard. This is application filed under section 482 of the Code of Criminal Procedure, 1973, seeking to quash FIR registered with Cyber Police Station, BKC Mumbai, being FIR No. 11 of 2015. The said FIR is registered at the instance of Respondent No.2 wherein the allegations made against the Applicant is concerning the offence punishable under section 43(d) and 66 of the Information Technology Act, 2000.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant application is filed for quashing the above FIR, by

consent of original complainant - Respondent No. 2 herein.

3. Respondent No. 2 has filed an affidavit before this Court wherein he has categorically stated that the dispute between himself and the Applicant-Company has been resolved and he therefore he is not interested in continuing with the criminal prosecution of the Applicant in the subject FIR. He has further stated that he has no objection for quashing the FIR in question against the Applicant company.

4. Respondent No.2 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 FIR in question registered at his instance against the Applicant.

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. The offence alleged cannot be said to have any impact on the society. 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 FIR in question alive except ultimately burdening the Criminal Courts which are already overburdened.

6. 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 FIR. Accordingly, application is allowed in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes, we find it would be appropriate to saddle the parties with costs. The Applicant shall pay cost of Rs.25,000/- to Tata Memorial Hospital and Respondent No. 2 shall pay cost of Rs.25,000/- to Police Welfare Fund as a condition precedent for this order to take effect. For the quashment to take effect, the receipts for the payment of above costs shall be placed on the record of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]