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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3831 OF 2016**

VIVIDIA Communication Pvt. Ltd. and Ors.	... Petitioners
Vs.	
State of Maharashtra and Anr.	... Respondents

Mr. Aditya Mithe i/by Ms. Mrunmai Kulkarni for the Petitioners.

Mr. N.B. Patil, APP for the Respondent No.1.

Mr. Dhiraj Mhetre a/w Ms. Zaibaa Thingna i/by Khaitan Legal Associates for the Respondent No.2.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 3rd FEBRUARY, 2017

PC.

1 Rule. The learned APP waives service for the first respondent. The learned counsel appearing for the second respondent waives service. Forthwith taken up for final disposal.

2 The prayer is for quashing the First Information Report registered on behalf of the second respondent for the offences punishable under Sections 420, 406, 418, 90 read with Section 120-B and 34 of the Indian Penal Code along with Sections 51, 63 and 69 of the Copy Right Act, 1957. The prayer made for quashing the FIR is on

the basis of settlement between the first petitioner and the second respondent. It appears that the dispute between them was referred to the learned Arbitrator who made award dated 31st March, 2016 on the basis of consent terms filed before him by the petitioner and the second respondent. There is a reference in the consent terms to the subject FIR. Sub-clause (vii) of clause 6 of the consent terms records that the second respondent will co-operate with the petitioner to get the FIR quashed on receipt of entire settlement amount of Rs.1,50,00,000/-. The authorised representative of the second respondent has filed an affidavit on 9th January, 2017 accepting the settlement in terms of the consent terms filed before the learned Sole Arbitrator. It is recorded in the said affidavit that in terms of the consent award, the petitioner has paid a sum of Rs.1,50,00,000/- to the second respondent in seven installments and therefore, the second respondent has no objection for quashing the FIR.

3 We have perused the FIR. The dispute reflected from the FIR has predominantly a civil flavour. The offences alleged cannot be said to be of serious nature which are against the society at large. It appears that it is the commercial dispute between the petitioner and the second respondent which led to filing of the complaint and the consequent registration of the impugned FIR. Now, the consent award

and consent terms filed before the learned Sole Arbitrator record complete settlement of the commercial dispute. The second respondent has accepted the same in the affidavit of its authorised representative.

4 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 power under Section 482 of the Code of Criminal Procedure, 1973. Accordingly, we pass the following order :-

ORDER

(i) Rule is made absolute in terms of prayer clause (a) which reads thus :-

(a) That this Hon'ble Court may be pleased to quash and set aside the MECR No.2 of 2016 u/s 420, 418, 90 r/w 120-B and 34 of the IPC and u/s 53, 63 and 69 of the Copyright Act, 1957 IPC filed with Santacruz Police Station, Mumbai.”

(ii) All concerned to act upon an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)

¹ (2012) 10 SCC 303