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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1192 OF 2017

Saibaba Import Export Corporation

.. Applicant

Vs.

Mritunjay Surendranath Pandey and anr.

.. Respondents

Mr. Kamlesh Jain for applicant.

Ms. Priya Vaidty for respondent no.1.

Mrs. A. S. Pai, APP for State.

CORAM: NARESH H. PATIL &
NITIN W. SAMBRE, JJ.

DECEMBER 20, 2017.

P.C.

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. On a complaint lodged by the respondent no.1 – complainant, FIR bearing No. 08 of 2016 was registered by the Cyber Police Station, BKC, Mumbai under Sections 43(f) and 66 of the Information Technology Act, 2000.

3. It is informed that parties have resolved their misunderstanding and settled the disputes. Therefore, it is submitted that FIR bearing No. 08 of 2016 be quashed and set aside.

4. The respondent no.1 – complainant has filed affidavit-in-reply. It is submitted that proprietor of Sai Baba Import Export Corporation Mr. Satish Rajmohan Tandon had struck off almost 400 videos downloaded on You Tube through their Lehren Network Private Limited, who are claiming to have official copy rights of the same. The complainant and the applicant both are in the same business and worked together. They decided to settle the disputes mutually and withdraw all the allegations made against each other so that they can start working together. The investigation was carried out by the Cyber Cell Police Station. The complainant and application have entered into a declaration and consent deed dated 3/7/2016 with intention to settle the issues amongst them amicably, continue the business relations. The learned counsel appearing for the applicant has referred to Sections 43(f) and 66 of the Information Technology Act, 2000. Section 77A refers to compounding of offence under Information Technology Act, 2000. The learned counsel submits that

as offences are compoundable, the parties are will to do so. It is informed that the final repost has not been filed so far.

5. Perused the record and the relevant provisions of the Information Technology Act, 2000. Both the applicant and respondent no.1 are in the same business. They have now decided to settle their disputes and reached an agreement to that effect. In the facts and circumstances of the case and in view of the provisions of Section 77A of the Information Technology Act, 2000, we are inclined to allow the request made by the parties.

6. The FIR bearing No. 08 of 2016 registered with Cyber Police Station, Mumbai against the applicant under Sections 43(f) and 66 of the Information Technology Act, 2000 is hereby quashed.

7. Rule is made absolute in the above terms.

(NITIN W. SAMBRE J.)

(NARESH H. PATIL,J.)