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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL APPELLATE DIVISION
COMMERCIAL APPEAL NO. 85 OF 2017
WITH
NOTICE OF MOTION (L) NO. 3089 OF 2016

Hungama Digital Media Entertainment Pvt. Ltd. .. Appellant

Versus

Vuclip India Pvt. Ltd. and ors. .. Respondents

Mr. Nitin Thakker, Senior Advocate, Mr. Rohit Gupta a/w Ms. Vaidehi Naik
i/by HSA Advocates for appellant.

Dr. V. Tulzapurkar, Sr. Advocate with Mr. Sandip Parikh, Lekhesh
Dholakia and Padmaja Dholakia i/by Dholakia Law Associates for
respondent nos.1 and 2.

Mr. Ganesh Ambekar i/by M/s. Thakore Jariwala & Associates for
respondent no.3.

CORAM: NARESH H. PATIL &
SMT. BHARATI H. DANGRE, JJ.

JULY 3, 2017.

P.C.

1. Mr. Thakker, learned Senior Counsel appearing for the
appellant raises objection regarding directions issued by the learned Single
Judge in the impugned orders directing police authorities not to proceed

further in respect of the complaint filed by the appellant to the police on 25/1/2016. The counsel submitted that there was no such express consent given for issuing directions to the police by the court. It is submitted that while exercising jurisdiction on the Civil Side, it was not expected that the court would stay the criminal proceedings, which would adversely affect the interest of the appellant/plaintiff.

2. Mr. Tulzapurkar, learned Senior Counsel appearing for respondent nos.1 and 2, submitted that the directors of the respondent nos.1 and 2 includes an aged lady, who is summoned now and then by the police, which is causing lot of embarrassment and harassment to the litigants and keeping in view of the facts and surrounding circumstances, the court, on consent, passed order and issued directions to the police. Accordingly the learned counsel no case is made out for interference by this court.

3. The appeal raises a very small issue as to whether a complaint filed by the appellant/plaintiff with the police in the month of January 2016 be not looked into by the police.

4. We find that the parties differ as to whether the learned Single

Judge passed order on the consent given by the appellant/plaintiff. It is also submitted by the counsel appearing for the parties that the directors, including women, who are aged are called by the police for inquiry, which is causing harassment.

5. Without expressing any opinion, we direct that the police shall take appropriate decision on its own merits in respect of the complaint filed by the appellant/plaintiff on 25/1/2016 with the concerned police station. In case the police decides to register an F.I.R., then the affected party would be at liberty to resort to appropriate proceeding. The impugned orders passed by the learned Single Judge stand modified to the said extent.

6. Mr. Vikas Mali, learned AGP, who is present in the Court, to intimate the concerned police authorities.

7. With the aforesaid directions and observations, the appeal and the Notice of Motion stand disposed of.

(BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)