

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 713 OF 2016

Rajiv Mehra and Another. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Sobodh Desai I/b M/s. Thakore Jariwala & Associates for the
Petitioner.

Mr. K. V. Saste, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **October 29, 2018.**

P. C. :

1. At the outset, Mr. Desai, the learned counsel for the
Petitioner seeks leave to amend the prayer clause so as to give details
of the criminal proceedings. Leave granted. Necessary amendment
be carried out forthwith.

2. Heard. The petition is fled for quashing and setting
aside proceedings of criminal case bearing RCC No. 393 of 2017
pending on the file of 5th JMFC, Thane. The said case has arisen from
the registration of FIR bearing CR. No.II41/2015 with Mira Road Police
Station at the instance of Respondent No. 2 for the offence punishable
under sections 63, 65, 69 read with 37 and 51 of Indian Copyright Act,

1957.

3. Pending trial of the above case, parties settled their disputes amicably and in pursuant of understanding arrived at between them have approached this Court for quashing the proceedings of the subject criminal case by consent.

4. Respondent No.2 has accordingly filed an affidavit dated 29th October 2018. In paragraph 5 of the said affidavit, he has given no objection to quash the proceedings of subject criminal case against the Petitioners.

5. 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 subject criminal proceedings initiated by him against the Petitioner.

6. 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. There is no element of public law involved in the crime. 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 subject criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

7. 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 criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.10,000/-, which shall be paid to **“Yashodhan Charitable Trust”, Satara** [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. [Yashodan Charitable Trust : Account No.: 60245873355 IFSC Code : MAHB0000305].

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]