

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL WRIT PETITION NO.2178 OF 2016**

Mr. Mahendra R. Parmar ... Petitioner

Versus

Shri. Niket Vilas Patil & Anr. ... Respondents

Mr. G.K. Jadhav for the Petitioner.

Respondent No.1 present.

Mrs. M.H. Mhatre, Addl. P. P. for State.

**CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.**

DATE :- 17TH APRIL, 2018

P. C. :-

1 The above Writ Petition has been filed for quashing of the F.I.R. being L.A.C. No.264 of 2013 (bearing CC No.492/PW/2014) registered with the Bhandup Police Station, for the offences punishable under Sections 51 and 63(B) of the Copy Right Act. The cause for filing the F.I.R. was the alleged use by the Petitioner's Company of the Software of one Wilcom International Private Limited without its authorisation. It seems that acting on the information, a raid was conducted by the Respondent no.1 who is concerned with

one Anti Piracy Enforcement Services Limited with the help of the Police and in the said raid, the ES- Software belonging to the said Wilcom International Private Limited was seized.

2 It is not necessary to dilate further on facts as the first informant i.e. the Respondent No.1 has filed an Affidavit dated 24th June, 2014 affirmed in this Court. In the context of the relief sought in the present petition paragraphs 4 and 5 of the said Affidavit are material and reproduced hereunder.

“4. I further state that I being the authorised person of ANTI PIRACY ENFORCEMENT SERVICES Pvt. Ltd. filing this Affidavit on oath on behalf of my said company and giving our consent for withdrawal of F.I.R. lodged by us against the Applicant. I am annexing along with this Affidavit the certified copy of Power of Attorney of ANTI PIRACY ENFORCEMENT SERVICES Pvt. Ltd., Authority and direction letters of WILCOM Company.

5 I further state that the withdrawal of all allegations leveled by me in the said F.I.R. being C.R. No.1216/2013 against the Applicant above-named is without any pressure or compulsion of either of the parties.”

The F.I.R. was lodged by one Dilip Bobade who was concerned with the said Anti Piracy Enforcement Services Limited but is now no more concerned with it and it is now the respondent no. 1 Niket Patil,

who has been authorised by the said Anti Piracy Enforcement Services Limited.

3 The Respondent No.1 Niket Vilas Patil is personally present in Court. He is identified by his Adhar Card bearing No.7246 8257 4534. The learned counsel, Mr. G.K. Jadhav also identifies him in view of the fact that he was also the respondent in Criminal Writ Petition No.4430 of 2013, which was also filed for quashing of the F.I.R. wherein the facts were identical. When put in the box and queried, he states that he has read and understood the contents of the said affidavit and that he has signed the affidavit of his own free will and volition and that he does not want to proceed with the F.I.R. in question in view of the out of Court settlement between the parties.

4 The Petitioner, Mr. Mahendra Ranchhoddas Parmar is also personally present in Court. He is identified by Mr. Jadhav, the learned Counsel. He is also identified by his Adhar Card bearing No. 9217 1492 7121. He accepts the factum of the settlement arrived at between the parties as a result of which the respondent no.1 does not desire to proceed with the F.I.R. in question.

5 Having regard to the Judgments of the Apex Court in the cases of Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 AIR SCW 2065, no useful purpose would be served in continuing with the F.I.R. The above petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause (a).

6 In the facts and circumstances of the case, the Petitioner and the respondent no.1 to deposit costs of Rs.10,000/- each with the Mumbai Police Welfare Fund, in the office of the Commissioner of Police, Mumbai within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)