

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 179 OF 2018

- | | | | |
|----|---|---|---------------|
| 1. | Yatin Gupta |) | |
| | Age : 44, Occu. Vice President, Content |) | |
| | Resi. At: Flat No. E-701, Marvel, |) | |
| | Isola, Mohammadwadi, Xii Mb Road, |) | |
| | Pune, 411 060. |) | |
| 2. | Dipesh Shah, |) | |
| | Age : 45, Occu. Sr. Manager |) | |
| | Resi. At. : Address: B-2 flat no. 1, |) | |
| | Popular colony, Near Raghavdas |) | |
| | School, Warje, Pune |) | |
| 3. | Abhijeet Deshmukh |) | |
| | Age : 36, Occu. Associate Vice |) | |
| | President, Operations, |) | |
| | Resi. at : Safal Parivesh, G-201, |) | |
| | Pralhad Nagar, Ahmednagar. |) | |
| 4. | Kanaksinh Rana, |) | |
| | Occu. Director, Residing at B-7, Nand |) | |
| | Bungalow, b/H. Nobel School, Krishna |) | |
| | Nagar. |) | |
| 5. | GTPL HATHWAY LIMITED |) | |
| | A Company registered under |) | |
| | the Companies Act, 1956 |) | |
| | Having its corporate office at |) | |
| | GTPL HOUSE, Shree One, |) | |
| | Opposite Armeida, |) | |
| | Sindhu Bhavan Road, |) | |
| | Near Pakwan-Cross Road, |) | |
| | Bodakdev, Ahmedbad – 380059 |) | ...APPLICANTS |

Versus

- | | | | |
|----|--------------------------|---|--|
| 1. | The State of Maharashtra |) | |
|----|--------------------------|---|--|

- Through Sinhgad Road Police Station)
Pune, Maharashtra)
2. Shemaroo Entertainment Ltd.)
A Company Registered under)
the Companies Act, 1956,)
Having its registered office at)
Shemaroo House, Plot No. 18,)
Marol Co. op. Industrial Estate,)
Off Andheri-Kurla Road,)
Andheri (East), Mumbai – 400059)
3. Inspector of Police,)
Sinhgad Road Police Station,)
Pune, Maharashtra) ...RESPONDENTS

Mr. Vishwajeet S. Kapse for the Applicants.
Mrs. Jas Sanghvi i/by PDS Legal for Respondent No. 2.
Mrs. S.D. Shinde, APP for Respondent – State.

CORAM : S. S. SHINDE &
V. G. BISHT, JJ.

ORDER RESERVED ON : 13th MARCH, 2020
ORDER PRONOUNCED ON: 17th MARCH, 2020

ORDER (PER S. S. SHINDE, J)

1. **Rule.** On Rule Mr. Jas Sanghvi waive service for Respondent No. 2 and learned APP Mrs. S.D. Shinde waive service for Respondent – State.
Heard with the consent learned counsels appearing for the parties.
2. This Criminal Application is filed with following substantive

prayer:

- b. That this Hon'ble Court be pleased to quash the FIR bearing No. 3088/16 dated 28.10.2016 registered with Respondent No. 3 and all subsequent proceedings, if any, arising out of the said FIR;*

3. Pursuant to the notices issued to the Respondents, Respondent No. 2 has tendered across the bar copy of the affidavit on 13th March, 2020 same is already taken on record. The said affidavit is filed by one Abhinav Tripathi, working as Assistant Manager – Legal with Respondent No. 2 i.e. Shemaroo Entertainment Ltd. Paragraphs 1 to 8 of the said affidavit reads as under:

- 1. I am authorized by Shemaroo Entertainment Ltd. to file present Affidavit and further also authorized to do such acts which is reflected in this affidavit.*
- 2. I say that Shemaroo Entertainment Ltd is the original complainant in the FIR No. 3088 of 2016 filed by authorized person at Shinhgad Police Station, Pune on 28.10.2016 punishable with offence u/s. 63 and 69 of Copy Right Act, 1957.*
- 3. I say that after filing of the complaint above, there was settlement between the Petitioners and our company Shemaroo Entertainment Ltd. The subject matter of the settlement is the same subject matter which is mentioned in*

7. In view of the MOU dated 22.6.2017, the Respondent No. viz. Shemaroo Entertainment Ltd. hereby consent and give no objection to quashing of the said FIR No. 3088 of 2016.

Solemnly affirmed at Mumbai)
dated this 4th day of November, 2019)

sd/-
Advocate for the Respondent

Umesh Malani

exercise in futility and wastage of time.

5. The Supreme Court in the case of **Giansingh v. State of Punjab and Another**¹ has held that, the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offence arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. It is further held that, as inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (I) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

1 2012 (10) SCC 303

6. In the light of above and since the Applicants and second Respondent have amicably settled the dispute and to that effect second Respondent has placed on record affidavit on 13th March, 2020, we are inclined to allow this Criminal Application in terms of prayer clause 'b', which reads as under :-

b. That this Hon'ble Court be pleased to quash the FIR bearing No. 3088/16 dated 28.10.2016 registered with Respondent No. 3 and all subsequent proceedings, if any, arising out of the said FIR;

7. Rule made absolute in terms of prayer clause 'b'. Accordingly, the Criminal Application stands disposed of.

8. Parties to act upon an authenticated copy of this order.

(V.G. BISHT, J.)

(S. S. SHINDE, J.)