

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.2838 OF 2022

- | | | |
|----|----------------------------|----------------|
| 1. | Sameer Vinayak Juthani | |
| 2. | Gurudatta Ramchandra Patil | ...Petitioners |
| | Versus | |
| 1. | Shankar Sanjeev Gownda | |
| 2. | The State of Maharashtra | ...Respondents |

Ms. Ashwini Achari i/b Mr.Taraq Sayed, for the Petitioners.

Mr. Advait Tamhankar, for the Respondent No.1.

Ms. P. P. Shinde, A.P.P for the Respondent No.2– State.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 16th DECEMBER 2022

P.C. :

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Mr. Tamhankar waives notice on behalf of the respondent No.1. Learned A.P.P waives notice on behalf of the respondent No.2–State.

3. By this petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, the petitioners seek quashing of the FIR bearing C.R. No. 274 of 2021, registered with the Turbe MIDC Police Station, Navi Mumbai, for the alleged offences punishable under Sections 63B and 64 of the Copyright Act, 1957. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.1, he is working as a Software Piracy Consultant with a company by the name of 'CNC Software Inc.' It is alleged that the company received information that the petitioners were using a pirated version of the software MasterCam, pursuant to which, the same was reported to the police. It is further alleged that on entering the premises of the office, it was found that on one of the laptop in the VMC Machine Cabin, the MasterCam software of the compay i.e. CNC Software Inc. was being operated without a licensed software. Pursuant thereto,

the aforesaid FIR was lodged as against the petitioners, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate First Class, CBD, Belapur, Navi Mumbai, being R.C.C. No.303 of 2022.

5. In the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute.

6. Learned Counsel for the respondent No. 1 has filed an affidavit of the respondent No.1 dated 17th May 2022, duly notarized before the Notary. Since the original copy has not been placed by the registry before us, we have taken a photocopy of the said affidavit filed by the respondent No.1 from the learned counsel for the respondent No.1. The said photocopy is taken on record. In the said affidavit, the respondent No.1 has stated that he has amicably settled the dispute with the petitioners and as such he has no objection to the quashing of the said case. It is further stated that the petitioners

have purchased the authorised Software being MasterCam and as such the respondent No.1 has no grievance. Learned Counsel for the respondent No.1 has tendered a Letter of Authority including withdrawal of the complaint, issued by the CNC Software Inc, to the respondent No.1 to take all steps towards quashing of the aforesaid C.R. lodged by the respondent No.1, pursuant to the authorisation by the CNC Software Inc. The said Letter of Authority is taken on record. Respondent No.1 is present in Court. On questioning, he reiterates what is stated by him in his affidavit. Learned counsel for the respondent No. 1 has tendered a self attested photocopy of the aadhar card of the respondent No. 1. The same is taken on record. Learned Counsel for the respondent No.1 has identified the respondent No.1 and the learned APP has also verified the original aadhar card of the respondent No.1.

7. Considering the nature of dispute; the amicable settlement between the parties, the affidavit of the respondent No.1 and having regard to the judicial pronouncements of the Apex Court in *Gian*

*Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 274 of 2021, registered with the Turbe MIDC Police Station, Navi Mumbai, and consequently, the proceeding pending before the learned Judicial Magistrate First Class, CBD, Belapur, Navi Mumbai, being R.C.C. No.303 of 2022, are quashed and set-aside.

9. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

10. The petitioners to deposit a sum of Rs.25,000/-, with the Central Police Welfare Fund bearing Account No. 914010029005759, IFSC No. UTIB0000060, as costs. The said costs to be deposited within three weeks from today.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

11. Stand over to **31st January 2023**, for recording compliance of the said deposit of costs.

12. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.