

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

CRIMINAL WRIT PETITION NO. 4276 OF 2021

1. Sambhaji Khopade
Residing at 1, Rasta Peth
Pune Samarth, Pune.
2. Yatin Gupta
Age: 44 Occu. Vice President, Content
Residing at: Flat No. E-701,
Marvel Isola, Mohammadwadi.
3. Abhijeet Deshmukh
Age: 36, Occu. Associate Vice President,
Operations, Resi. at: Safal Parivesh, G-201,
Pralhad Nagar, Ahmedabad.
4. GTPL Hathway Limited
through its Authorised Singatory,
Dipesh V. Shah,
Ass. General Manager,
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. ... Petitioners

Versus

1. State of Maharashtra
Through Samarth Police Station
Pune, Maharashtra.
2. Amish Shashikant Dhume
5/71, Ganesh Bhavan
Hindu Colony Gali, Dadar (East),
Mumbai 400 014.
3. Zee Entertainment Enterprises Ltd.,
A company registered Companies
Act, 1956 having registered office
at 18th floor, Marathan Futurex
N. M. Joshi Marg, Lower Parel,
Mumbai 400 013.

... Respondents

Mr V. S. Kapse for Petitioners.

Ms Manjula Rao i/by Kunal Rane for the Respondent No.2.

Mr J. P. Yagnik, APP for the Respondent No.1-State.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 23rd JUNE 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable immediately, with the

consent of and at the request of the learned counsel for the parties.

3. The Petitioners have filed this Criminal Writ Petition under Articles 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash FIR No. 93 of 2016 dated 25 May 2016, registered with Samarth Police Station, Pune, for the offences punishable under Sections 420 of the Indian Penal Code and Sections 63 and 69 of the Copyright Act, 1957. The petitioners seek quashing on the ground that they have amicably settled their dispute.

4. When this Criminal Writ Petition was placed before us, learned counsel for the Petitioners and Respondents No.2 and 3, jointly stated that the dispute was purely civil and had been resolved. They submitted that continuing the prosecution would serve no purpose given their settlement. They submitted that this case falls under the purview of the law laid down by the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

5. Learned APP for the Respondent No.1 submits that appropriate orders may be passed.

6. The record shows that Respondents No.2 and 3 filed consent affidavits on record. On behalf of Respondent No.3, Akshay Mahadik, who is claiming to be the authorized representative of Respondent No.3, is present before the Court and stated that Respondent No.3 has no objection to quashing the impugned FIR against the Petitioners given their settlement. Upon questioning, he reiterated his statements in his affidavit and was identified by his counsel.

7. We have examined this case in light of the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh and Narinder Singh (supra)*. Based on the material on record, it is clear that this dispute has a predominantly civil nature. Allowing criminal prosecution to continue would be an abuse of the process of the Court and serve no purpose given the parties settlement. To ensure justice is served, it would be appropriate to quash the impugned FIR. The consent affidavits filed on behalf of Respondent No.3 support the prayer of quashing of the FIR. Having said so, and on the facts noted above, the impugned FIR bearing C.R. No. 93 of 2016, registered with Samarth Police Station, Pune against the

Petitioners needs to be quashed and set aside. Accordingly, the impugned FIR No. 93 of 2016 dated 25 May 2016, registered with Samarth Police Station, Pune, for the offences punishable under Sections 420 of the Indian Penal Code and Sections 63 and 69 of the Copyright Act, 1957, is quashed and set aside, subject to condition that Petitioner No.4 and Respondent No.3 pay a cost of Rs.50,000/- each with the Legal Services Authority, within three weeks of this order being uploaded.

8. Rule is made absolute in these terms and this Petition is disposed of subject to payment of cost as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

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