

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.314 OF 2023

Mr. Akshay Vinod Panday

Ag : 32, Occupation : Business,

R/o. B-1101, Chaitanya Towers,

Appasaheb Marathe Marg,

Prabhadevi, Mumbai – 400 025.

.. Applicant

Vs.

1. The State of Maharashtra

(through Pydhonie Police Station)

2. Mr. Sandeep Ramchandra Gaikar,

Age : 37, Occupation : Service,

Residing at : SRA Building,

Flat No.509, 5th Floor,

Annie Besant Road,

Prabhadevi, Mumbai – 400 025.

.. Respondents

- Mr. Gaurav Parkar, for the Applicant.
- Mr. Bharat B. Dubey, for Respondent No.2.
- Mr. K.V. Saste, APP for State.

CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.

DATE : 29th MARCH, 2023.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1. Heard.

2. Rule.

3. Rule is made returnable forthwith. With the consent of the parties, the application is taken up for final disposal at the stage of admission itself.

4. Learned counsel for Respondent No. 2 has produced before this Court Consent Affidavit filed on behalf of Respondent No. 2 which is taken on record and marked as 'A' for the purpose of identification. He submits that the underlying dispute which has given rise to the registration of the offences punishable under Sections 51 & 63 of the Copyright Act, 1957 in CR. No.22 of 2022 registered with Phdhonie Police Station is private and commercial in nature. The dispute between them now has been settled between the Applicant and Respondent No. 2/Complainant. Therefore, now, Respondent No. 2 has no objection, if this application is allowed and the FIR is quashed & set aside.

5. The complainant i.e. Respondent No. 2 and the Applicant i.e. accused, both are personally present before this Court and they are identified by their respective counsels. Both of them state that they have reached to an amicable settlement and the dispute behind crime in question no more exists. Respondent No. 2/Complainant in particular submits that she has no objection, if the FIR in question is quashed & set

aside by this Court in view of his reaching an amicable settlement with the Applicant.

6. Considering the terms of settlement and what has been stated by parties, we are of the opinion that in this case, larger societal interests are not involved and there is no element of public policy in it.

7. In view of above, we proceed to pass the following order.

ORDER

- (i) The Application is allowed.
- (ii) It is hereby directed that the FIR vide Crime No.22 of 2022 registered with Pydhonie Police Station for the offences punishable under Sections 51 & 63 of the Copyrights Act and also all consequential proceedings pending in the concerned Trial Court are hereby quashed and set aside.
- (iii) This is subject to the condition that the Applicant and Respondent No.2/Complainant shall deposit an amount of Rs.20,000/- each as cost of the legal proceedings in the account of the Mumbai Police Welfare Fund, AXIS Bank, Lamington Road Branch, Account No.465010100008693, IFSC Code No.UTIB0000465, within a period of four weeks from the date of receipt of this order, failing which the order shall stand automatically vacated and the application shall be listed before this Court for directions;
- (iv) Rule is made absolute in the aforesaid terms;
- (v) The Application is disposed of. No costs.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]