

Anand

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

WRIT PETITION NO. 1606 OF 2023

Vishwesh Samant & anr.

.Petitioners

**ANAND
SUDHAKAR
SUDAME**

Vs.

The State of Maharashtra & anr.

.Respondents

Digitally signed by
ANAND SUDHAKAR
SUDAME

Date: 2023.07.17
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Mr. Jayesh G. Gawde, Advocate, for the Petitioners

Mr. K. V. Saste, APP, for Respondent No. 1 - State

Mr. Jash Gandhi i/b. Dua Associates, Advocate, for
Respondent No. 2

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

DATE : 13TH JULY, 2023

P. C.

. The prayer in the Petition is for quashing and setting aside of the FIR No. 10 of 2021 registered with the Madhya Vibhag Cyber Police Station, Mumbai for the offences punishable under Sections 43 read with Sections 66, 66B of the Information Technology Act and under Sections 63, 63-A, 65 and 65-A of the Copyright Act, 1957 lodged by Respondent No. 2 committed on 13.05.2021.

2. Respondent No. 2 through it's authorized person

lodged a complaint that they have an agreement with Salman Khan Ventures Private Limited and has acquired all the rights of publication as regards in the movie “Radhe : Your Most Wanted Bhai”. It is alleged that the accused has unauthorizedly and illegally downloaded the movie and forwarded the same and as such, the offence in question.

3. The parties have jointly invited our attention to the settlement agreement entered into on 21.12.2021. Respondent No. 2 through its authorized representative Ms Sucheta Burman, who is authorized vide Power of Attorney dated 26.09.2008 has tendered consent affidavit thereby extending consent terms. The said authorized signatory is identified by his lawyer. The authorized signatory admitted the contents of the affidavit and has stated that he has been instructed by Respondent No. 2 to extend written consent for quashing and setting aside of the FIR, being FIR No. 10 of 2021 and the consequential prosecution initiated against the Petitioners vide Police Case No. W/6200731/2021 pending on the file of learned Metropolitan Magistrate’s 62nd Court,

Mumbai so as Commercial Suit No. 231 of 2021 pending on the file of the Bombay High Court.

4. As we are only concerned with the quashing & setting aside of the FIR No. 10 of 2021 and the consent extended by authorized signatory as well as having regard to the law laid down in the case of *Gian Singh Vs. State of Punjab And Another*, reported in *(2012) 10 Supreme Court Cases 303*, we deem it appropriate to allow the present Petition in terms of prayer clause 23(a). The consent affidavit is taken on record.

(R. N. LADDHA, J.)

(NITIN W. SAMBRE, J.)