

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

CRIMINAL WRIT PETITION NO.2589 OF 2015

Abhay Arun Bhagwat

...Petitioner

Versus

1. State of Maharashtra

2. Shankar Sanjiv Gowda

...Respondents

Mr. S. N. Raj i/b Raj and Associates, for the Petitioner.

Mr. K. V. Saste, A.P.P for the Respondent No.1 – State.

Mr. Rahul Karnik, for the Respondent No.2.

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

DATE : 1st FEBRUARY 2023

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. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Karnik waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the FIR bearing C.R. No.II-3097 of 2014, registered with the Kapurbawdi Police Station, Thane, for the alleged offences punishable under Sections 63B and 64 of the Copyright Act and consequently the proceeding pending before the learned 7th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Thane, being No. SCC/ 852/2015. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.2 (original complainant), the Managing Executive Officer of Perfect Anti-Piracy Force, he learnt/received information that the petitioner's company namely Vector Management Consulting Pvt. Ltd., was using a computer software without obtaining any software license. Pursuant thereto, the petitioner's office was raided and it was found that in one of the computers Modular Infotech Shreelipi Font was used by the

petitioner without license. Pursuant thereto, the aforesaid FIR was lodged as against the petitioner, alleging the aforesaid offences. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned 7th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Thane, being No. SCC/ 852/2015.

5. In the interregnum, during the pendency of the investigation of the aforesaid case, the parties amicably settled their dispute and decided to put a quietus to the same. It appears that the petitioner purchased the software, which was being used by the petitioner without license i.e. Modular Infotech Shreelipi Font.

6. Learned counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 18th January 2023, duly notarized before the notary. To the said affidavit is annexed the authorisation letter of the company. The said affidavit is taken on record. In the said affidavit it is stated that the respondent No.2 has

no objection to the quashing of the FIR as the dispute has been amicably settled between them. It is further stated that the petitioner's company - Vector Management Consulting Pvt. Ltd. has purchased the software in question and as such the respondent No.2 has no objection to the quashing of the said FIR/proceeding. Respondent No.2 is present in Court. On being questioned, he re-iterates what is stated by him in his affidavit. Learned counsel for the respondent No. 2 has tendered a self attested photocopy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and*

1 (2012) 10 SCC 303

*Others vs. State of Punjab and Another*², there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No.II-3097 of 2014, registered with the Kapurbawdi Police Station, Thane, and consequently the proceeding pending before the 7th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Thane, being No. SCC/ 852/2015, are quashed and set-aside.

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

10. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the registry, within two weeks of uploading of this order.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

² (2014) 6 SCC 466