

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.703 OF 2024

Varada Giridhar and others
versus
The State of Maharashtra and another

Petitioners
Respondents

Ms.Florence Reddy Sobrinho, Advocate for Petitioners.
Mr.Y.M.Nakhawa, APP for State.
Mr.Pradip J. Jaiswal, Advocate for Respondent no.2.

CORAM : PRAKASH D. NAIK AND
N.R.BORKAR, JJ.

DATE : 1st March 2024

PC :

1. Leave to amend to add parties in the petition. Amendment be carried out forthwith.
2. Petitioners are challenging the FIR dated 31st August 2023 registered with MIDC Police Station, Mumbai Suburban District vide FIR No.536 of 2023 for offences u/s.420, 465, 467, 468, 471 and 120-B of Indian Penal Code and u/s.63 and 69 of Copyrights Act, 1957.
3. Parties have resolved the dispute. Suit was filed by Respondent no.2. Consent decree has been filed in the suit on 8th February 2024.
4. In view of the consent decree and settlement between the parties, Respondent no.2 acting on behalf of M/s.Shemaroo Entertainment Limited has no objection for quashing the FIR. Respondent no.2 is present in the Court. He has filed affidavit. It is submitted that he has no objection for quashing the proceedings.

5. In the affidavit-in-reply filed by Respondent no.2 it is stated that Respondent no.2 is working as Deputy Manager, Cable Division, with M/s.Shemaroo Entertainment Limited and he has been authorized to give consent for quashing the FIR in question vide resolution of Executive Committee of Respondent held on 7th February 2024. The dispute and differences had arisen between parties for infringement of copyright of Respondent no.2 by Petitioners. The company had filed Commercial (IP) Suit No.26796 of 2023 before this Court. The dispute is amicably settled between the parties and consent terms were filed and suit is disposed off and decree in terms of consent terms against present Petitioners who were Defendant nos. 1 to 3 in the said suit was passed.

6. We have perused the order dated 8th February 2024 passed in Commercial (IP) Suit No.26796 of 2023 which indicate that in view of settlement arrived at between parties, the suit is decreed against Defendants.

7. Considering the aforesaid circumstances, impugned FIR can be quashed.

ORDER

(i) Criminal Writ Petition No.703 of 2024 is allowed and disposed off;

(ii) The FIR No.536 of 2023 registered with MIDC Police Station, Mumbai Suburban District is quashed and set aside;

(iii) Petitioners shall pay cost of Rs.25,000/- within two weeks from the date of uploading of this order to Advocates Association of Western India Generation Next, in Account No.000110110007807,

Bank of India, Mumbai Main Branch, having IFSC Code BKID0000001, and submit receipt of payment in the Registry within one week thereafter;

(iv) List the Petition for reporting compliance after four weeks.

(N.R.BORKAR, J.)

(PRAKASH D. NAIK, J.)

MST