

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3741 OF 2021

Yogesh Ramchandra Bhuvad

..Petitioner

V/s.

The State of Maharashtra & Anr.

..Respondents

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Ms. Khushboo Oswal for the Petitioner.

Mr. K.V. Saste, APP for the Respondent No.1.

Mr. Jay Patil for Respondent No.2.

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

DATE : 31<sup>st</sup> MARCH 2023

JUDGMENT (PER: M.M.SATHAYE,J.)

1. Rule. Rule made returnable forthwith. Learned APP waives service for Respondent No. 1 State. Learned Counsel for Respondent No. 2 / complainant waives service. Taken up for final hearing with consent of parties.

2. By this petition filed under Article 226 of the Constitution of India read with section 482 of the Criminal Procedure Code, the Petitioner is seeking to quash a FIR No. 46 of 2019 registered with R.A. Kidwai Marg police station, Sewri Mumbai, for offences punishable under Section 63(B) and 64 of the Copyright Act, 1957.

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3. Learned counsels for the Petitioner and Respondent No. 2 jointly state that the matter is amicably settled and Respondent No. 2 / complainant has filed consent affidavit. Learned APP for the State has not seriously opposed the settlement and quashing of crime.

4. Perusal of FIR dated 21 November 2019 as well as the affidavit of complainant affirmed on 30th March 2023, shows that the matter is arising out of unauthorized use of Matrix Software by the Petitioner. The consent affidavit states that the matter is now amicably settled and consent terms are executed in which it is mentioned that the Petitioner has procured a valid licence for usage of the said software and as such the complainant has no objection for quashing of FIR and he is withdrawing all the allegations made against the Petitioner.

5. Both the Petitioner and Respondent No. 2 are present in Court personally and are identified by their respective advocates. On enquiry, they state that the settlement has been arrived at without any pressure or coercion.

6. From the above facts and circumstances, it appears that the underlying dispute from which the alleged crime has arisen, is private and civil in nature and as such, this Court is of the view that the present matter should not be impediment in the way of

the parties if they are settling amicably and no public policy will be offended if settlement is allowed.

7. In the net result, we pass following order:

(i) Writ Petition is allowed.

(ii) The FIR No. 46 of 2019 registered with R.A.Kidwai Marg police station, Sewri, Mumbai for offences punishable under Sections 63(B) and 64 of the Copyright Act, 1957 and all the consequent proceedings thereto are quashed and set aside.

(iii) This is subject to condition precedent that the Petitioner and Respondent No. 2 to deposit an amount of Rs. 15,000/- each within 4 weeks from today, in the account of Mumbai Police Welfare Fund (Bank Name : Axis Bank, Branch Name : Lamington Road, A/c. No.: 465010100008693, IFSC No. : UTIB0000465)

(iv) It is clarified that if the amounts are not deposited as stipulated above, by any of the parties, this Order will be cancelled automatically and the matter will be restored to file of this Court for further directions.

(v) Rule is made absolute in the above terms. No order as to costs.

(vi) Stand over by six weeks for reporting compliance.

**(M.M.SATHAYE, J.)**

**(SUNIL B. SHUKRE, J.)**