

ITEM NO.35

COURT NO.1

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.6716/2017

(Arising out of impugned final judgment and order dated 19-07-2017 in WPCRL No. 1064/2016 passed by the High Court of Uttarakhand at Nainital)

RAKESH ROSHAN

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS.

Respondent(s)

(With appln.(s) for vacating stay, for vacation of order dated 8.9.2017 and prayer for interim relief)

Date : 09-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Mahesh Jethmalani, Sr. Adv.
Ms. Shiraz Patodia, Adv.
Mr. Ashish Singh, Adv.
Ms. Divya Sharma, Adv.
Ms. Gunjan Mangla, Adv.
Mr. Ravi, Adv.
M/s. Dua Associates

For Respondent(s) Mr. Konark Tyagi, AOR
Mr. Deepayan Mandal, Adv.
Mr. Rahul Shyam Bhandari, Adv.
Mr. Kaustubh Shukla, Adv.

Mr. Vivek Singh, AOR

Mr. Kuldeep S. Parihar, Adv.
Mr. Jaswant Singh Rawat, Adv.
Ms. Rachna Gandhi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

On a suggestion being made on the earlier occasion and further suggestions made today, 'proposed terms of settlement' on behalf of the petitioner have been filed, which have been accepted by the learned counsel for the respondent No.3. Be it noted, the respondent No.3, is personally present in the Court. The said 'proposed terms of settlement' read as follows:-

"Without prejudice to the rights and contentions of the petitioner raised in the captioned petition, the petitioner states as follows:-

1. The petitioner has accepted the offer made by this Hon'ble Court to settle the disputes pending before various Courts in the country. The said offer has been accepted by the petitioner as the petitioner has deep respect and regard for this Hon'ble Court.

2. As suggested by this Hon'ble Court the petitioner shall pay a total sum of INR 15,00,000/- (Rupees fifteen lakhs only) to the respondent No.3 i.e. Mr. Roop Narain Sonkar being an ex-gratia amount. The said amount is not and shall not be construed to mean any compensation or amount in lieu of damages for any act of omission or commission alleged to have been committed by the petitioner. As the cost of repetition the petitioner reiterates that he has not contravened and/or breached and/or committed any offence punishable under the Copyrights Act, 1957.

3. The aforesaid amount of INR 15,00,000/- shall be paid on or before 30 April, 2018, by way of a demand draft drawn and payable at Bombay. The demand draft so drawn shall be sent to the Advocate on Record of the respondent No.3 i.e. Mr. Konark Tyagi at his official address as mentioned on the Vakalatnama on or before 30 April, 2018. A copy of the said demand draft along with a covering letter of the Advocate on Record of the petitioner shall be filed with the Registry

of this Hon'ble Court within one week therefrom i.e. on or before 7th May, 2018.

4. In lieu of the ex-gratia amount being paid to the respondent No.3, the petitioner humbly requests this Hon'ble Court to quash the FIR No.87/2016 dated 21.05.2016 registered at Dalanwala, Dehradun, Uttarakhand. Consequently, this Hon'ble Court may also be please to quash the Charge sheet dated 02.6.2017 and the proceedings in Crime Case No.87 of 2016 emanating from the FIR No.87/2016 pending before the Chief Judicial Magistrate, Dehradun, Uttarakhand.

5. This Hon'ble Court may also be pleased to quash the proceedings pending before the Court of Civil Judge (SD) Lucknow in Civil Suit No.1011 of 2014 which was filed at the instance of the respondent No.3.

6. The Hon'ble Court may also be pleased to restrain the respondent No.3 to from filing any further claims either criminal or civil against the petitioner or his production company i.e. M/s. Flimkraft Productions (I) Pvt. Ltd.

7. This Hon'ble Court may also be pleased to restrain the respondent No.3 to from giving any statements in the media/social media about the present terms of settlement and refrain from damaging and/or tarnishing the reputation of the petitioner and his production company.

In accordance with the said settlement, the amount shall be paid within the time fixed and the proceedings arising out of Crime Case No.87 of 2016, pending before the Court of the Chief Judicial Magistrate, Dehradun, Uttarakhand, stand quashed and the Civil Suit No.1011 of 2014, pending before the Court of the Civil Judge (SD), Lucknow, shall be deemed to have been disposed of. The respondent No.3 shall not put forth any further claim against the petitioner and make any statement in this regard before any forum.

At this juncture, learned counsel for the respondent No.3 has submitted that the petitioner has filed a Criminal Case No.2624 of 2014, pending before the Metropolitan Magistrate, Andheri, Mumbai, under Sections 499 and 500 of the Indian Penal Code. The said proceedings shall be treated to have been withdrawn.

We appreciate the efforts made by Mr. Mahesh Jethmalani, learned senior counsel appearing for the petitioner and Mr. Konark Tyagi, learned counsel for the respondent No.3, to arrive at a solution.

The special leave petition is, accordingly, disposed of.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar