

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

**CRIMINAL APPLICATION NO. 840 OF 2016
WITH
CRIMINAL APPLICATION NO. 841 OF 2016
WITH
CRIMINAL APPLICATION NO. 842 OF 2016
WITH
CRIMINAL APPLICATION NO. 843 OF 2016
WITH
CRIMINAL APPLICATION NO. 844 OF 2016**

Aruna B. Shetty & anr.

... Applicants

vs.

State of Maharashtra & anr.

... Respondents

Mr. Suresh Dubey, Advocate for the applicants.

Ms. Anamika Malhotra, A.P.P. for the State/respondent no.1.

Mrs. Surekha Sonawane, Advocate for respondent no.2/MCGM.

Coram : Smt. R. P. SondurBaldota, J.

Date : 27th February, 2017

P.C. :

1. This is a common order on the above applications filed under Section 482 Criminal Procedure Code for quashing of the complaint filed by respondent no.2 Corporation for breach of Section 353-A of Mumbai Municipal Corporation Act ('MMC' Act, for short) punishable under Section 471 of the MMC Act. There is no dispute that the applicants are in occupation of five flats i.e. Flat Nos. 101, 201, 301, 401 and 501 in the building of Amrvilla Extension, final plot no.821 TPS 4 Mahim Division, Dadar. In that circumstance, commission of the offence on the part of the applicants is complete. Consequently there can be

no quashing of the proceedings. The applicants seek to justify their occupation without obtaining Occupation Certificate stating that they have applied for the same and are yet to receive it. That defence of applicants is required to be considered by the Trial Court at the appropriate time. Hence the applications are dismissed.

[Smt. R. P. SondurBaldota, J.]