

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

**INTERIM APPLICATION NO. 474 OF 2022
IN
WRIT PETITION NO. 1050 OF 2018**

Anshu Khanna	...Applicant
Versus	
Binti Sharma and Ors.	...Respondents

Shubhangi Ashtekar h/f Ghanshyam Mishra - Advocate for the Applicant
Mr. K. V. Saste - APP for the Respondent-State

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 19th APRIL, 2022

P.C. :-

. Not on board. Taken on board.

2. The learned counsel for the Applicant invited our attention to the Order of this Court dated 30/11/2021 passed in Criminal Writ Petition No. 1050 of 2018 and Criminal Application No. 143 of 2018. It may be useful for our purpose to refer certain observations of this Court recorded in the Order dated 30/11/2021 and the same reads thus:-

6. Considering the fact situation as presented before us, where the Petitioner has complied with the notice issued by the Respondent Corporation, may be after notice period, but not with unreasonable delay and that one part of the notice wherein infringement is alleged is not an

infringement at all, we have no doubt that if the petitioners approaches for compounding of the offence, the concerned officer of the Respondent Corporation would consider the matter sympathetically and put an end to this dispute.

7. So far as intervenor is concerned, there appear to be private dispute with the Petitioner. If an order of compounding is passed, it needless to state that their inter se a civil dispute will not be affected, as this matter is between the Municipal Corporation and the Petitioner.

8. With these observations and expecting a positive stand on behalf of the Municipal Corporation, we dispose of this Petition.

9. Pending Applications are also disposed of accordingly.

10. If the Petitioners approach for compounding of the offence, as above, the Respondent Authorities will take the decision thereupon preferably within a period of four weeks of the submission and communicate the same to the Petitioners, so that, further steps can be taken.

3. Though it is stated in the Order in para no. 9, 'pending applications are also disposed of accordingly'. The learned counsel submit that there was application filed in this Court Interim Application No. 474 of 2022

and as per the information of the Applicant, the application is still pending in this Court, as Writ Petition No. 1050 of 2018 itself is disposed of. No fruitful purpose would be served by keeping interim application pending in this Court.

4. As such, the counsel for the Applicant prayed for passing an appropriate Order only to keep the records straight before this Court.

5. Interim Application No. 474 of 2022 in Writ Petition No. 1050 of 2018 is accordingly disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)