

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

INTERIM APPLICATION NO.2745 OF 2023

IN

CRIMINAL WRIT PETITION NO.1921 OF 2022

Anil Bhikaji Bhagare

...Applicant

IN THE MATTER BETWEEN

Anil Bhikaji Bhagare

...Petitioner

Versus

Lata Patilbuva Kanase & Ors

..Respondents

Mr. Vishwanath Patil, i/b Keval Ahya a/w Laukik Deshmukh &
Shyamsundar Chauhan, for Applicant.

Mr. N.B. Patil, APP, for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 1st August 2023

PC :

1. This Interim Application is filed for recalling the order dated 6th February 2023 passed in Criminal Writ Petition No.1921 of 2022. Vide that order, the Writ Petition was dismissed. In that order it was recorded that this Court (Coram: R.G. Avachat, J.) had called upon the Petitioner to make the statement on instructions that the Petitioner/landlord would not evict the Respondent/Applicant from his flat without following due process of law. Such statement was not made. The Court thereafter recorded reasons and observed that the Petitioner did not make a

statement as was expected by the Court, and therefore, the Court did not quash and set aside the Domestic Violence proceedings qua the Petitioner. The Petition was dismissed.

2. Now the Petitioner has mentioned in the present Application that he is willing to make a statement and give undertaking to the Court that he would not evict the Respondent No.1 without following due process of law.

3. Since the Writ Petition is finally disposed of it can not be revived by filing an Interim Application in the same Writ Petition. Learned Counsel for the Petitioner sought liberty to adopt appropriate legal proceedings in the changed circumstances and in the light of the statement which the Petitioner is now ready to make. Considering these reasons, the Interim Application is rejected. However, the Applicant is at liberty to adopt other proceedings in accordance with law in these changed circumstances.

4. With this liberty, the Application is disposed of.

(SARANG V. KOTWAL, J.)