

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

(This order is corrected as per speaking to the minutes of the order dated 18/4/2024)

WRIT PETITION NO. 1221 OF 2010

Bank of Baroda and Anr.	..Petitioners
Vs.	
The Commissioner of Pune Municipal Corporation and Anr.	..Respondents

Mr. Anant B. Shinde, for the Petitioners.
Mr. A. P. Kulkarni, for the Respondent – Corporation.
Ms. Shilpa Talhar, APP for the Respondent – State.

**CORAM : R. N. LADDHA, J.
DATE : 2 APRIL 2024**

P.C.

. Heard learned counsel for the parties.

2. A process has been issued alleging commission of an offence punishable under Section 398 of the Bombay Provincial Municipal Corporation Act, 1949.

3. The learned counsel for the parties jointly submit that this petition can be disposed of by quashing the order of issuance of process and the proceedings of Criminal Case No.243/2009 pending before the learned Judicial Magistrate First Class Pune as

the petition is covered by the judgment and order of the Supreme Court dated 26 July 2023 in Civil Appeal No.8834/2011 with connected appeals. The learned counsel for the petitioners submits that the requisite octroi has already been paid by the petitioners.

4. In view of this, the petition stands allowed in terms of prayer clause (a), which reads thus:

“(a) By an appropriate writ/direction/order of this Hon’ble Court, proceedings that is Criminal Complaint No.243 of 2009 filed by the respondent No.1 against the petitioners before Judicial Magistrate First Class (PMC), Pune be quashed and an order dated 02/11/2009 of issuing process in the said complaint be set aside.”

R. N. LADDHA, J.