

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

CRIMINAL APPLICATION NO. 651 OF 2023

Luzan Felix Lopes And Anr. ... Applicants
Versus
The State of Maharashtra & Ors. ... Respondents

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Ms Dipti Mehta, Advocate for the Applicants.

Mr. Tanaji Mhatugade for Respondent No.2 - Municipal Corporation.

Mr. Brinal Lopes for Respondent Nos. 3 & 4.

Mr. A. S. Shalgaonkar, A.P.P. for the Respondent No.1 – State.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 23rd FEBRUARY, 2024.

P.C.:

1. The applicants are challenging the First Information Report (for short 'FIR') dated 28.11.2022 registered with Nalasopara Police Station, Dist. Mira-Bhayandar, Vasai-Virar, vide C.R. No.544 of 2022 for offences punishable under Sections 52, 53 & 54 of Maharashtra Regional Town Planning Act, 1966. The FIR was registered at the instance of Respondent No.2/Vasai Virar City Municipal Corporation.

2. The grievance of Respondent No.2 was that demolition notice towards unauthorized structure of the applicants was not complied and hence the aforesaid FIR was registered.

3. Learned Advocate for Respondent No.2 on instructions from Respondent N.2 and its officer who is present in the Court submitted that the Petitioner has subsequently demolished the structure and hence the corporation has no objection for quashing the FIR.

4. The action of demolition was initiated on the basis of complaint filed by Respondent Nos. 3 & 4.

5. Learned Advocate for Respondent Nos.3 & 4 submitted that the said Respondents have no objection for allowing this application.

6. The consent affidavits filed by Respondent Nos.3 and 4 is taken on record.

7. Considering the aforesaid circumstances, relief sought in this application can be allowed.

ORDER

i. Criminal Application No.651 of 2023 is allowed and disposed off;

ii. The FIR dated dated 28.11.2022 registered with Nalasopara Police Station, Dist. Mira-Bhayandar, Vasai-Virar vide C.R. No.544 of 2022 is quashed and set aside.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)