

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 124 OF 2012**

Shyamkant Kalidas DharmadhikariApplicant
Versus
Maharashtra Pollution Control Board Pune & anr. ...Respondents

Mr. Shirish Gupte, senior counsel i/b. Mr. Manoj Mohite, advocate for the applicant.
Mr. Deepak More, APP for the State.

CORAM : RANJIT MORE, J.

DATED :27th January, 2012.

P.C.:

Heard Mr. Gupte, learned senior counsel for the applicant.

2. The application is filed for quashing the criminal proceedings filed against the applicant at the instance of respondent No.1. The said criminal proceedings are filed for violation of the notification issued in the Year 1994 as amended in the Years 2004 and 2006. The applicant was appointed as Non-Executive Director of Lavasa Corporation Limited, however, subsequently in the Year 2010 he has resigned. Form 32 is also filed with the Registrar of Companies. A copy of the said Form is annexed at Exhibit "A" Page 56. Mr. Gupte, learned senior counsel, relies upon the decision dated 22nd December, 2010 of the Division Bench of this Court in

group of writ petitions headed by Writ Petition No.9448 of 2010. He contends that the validity of the said notification is subjudice before the Division Bench. The Division Bench has admitted the above writ petitions. Be that as it may, a statement is also made that clearance is granted by the Central Government on 9th November, 2011 to 1st phase, and therefore, the complaint may not survive. **In the above circumstances, issue notice before admission to respondent No.1 returnable on 24th February, 2012.**

3. Till the next date, there shall be an ad-interim relief in terms of prayer clause (c) qua the applicant only.

(RANJIT MORE, J.)