

3. Along with application, 4 resolutions passed by the respective societies (Exh.D, Exh.D-1, Exh.D-2 and Ex.D-3) authorizing Mr. Shah to appear before this Court and to accept the settlement, are tendered.

4. In complaint before the learned Metropolitan Magistrate, the accused no.1 is a company which is the Applicant before this Court. Accused no.2 - Director is stated to be no more. Accused no.3 is also a Director while the accused no.4 is a company. Accused no.5 is claimed to be an Ex office-bearer of Presidential Tower 'B' Co-Operative Housing Society.

5. The Applicant has, through its Counsel, produced a copy of resolution passed by the Board of Applicants authorizing one Rajendra Parab to appear in the present petition. Copy of that resolution is taken on record as Annexure (1). Mr. Rajendra Parab is present in Court and is identified by the learned Counsel for the Applicant - Company.

6. In the petition itself, the Applicant - Company has pointed out that it has restored possession of two rooms to Respondent Nos.1 to 4 - Society and dispute, therefore, does not survive.

7. In view of these developments, we accept the joint request and make Rule absolute in terms of prayer clause (a).

8. However, as the accused nos.4 and 5 are not parties before this Court, we clarify that no action to the prejudice of those accused persons shall be taken by the parties to this compromise on the basis of orders of this Court.

9. Accordingly, Criminal Application stands disposed of.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)