

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

WRIT PETITION NO.3388 OF 2018

Paresh Kantilal Kapadia

...Petitioner.

Vs.

The State of Maharashtra and anr.

...Respondents.

Mr. N.N. Gawankar with Nishant Vyas and Manas Gawankar for the
Petitioner.

Mr. Ajay Patil, APP for the State.

Mr. Abaad Ponda I/by Ashwin Hawelikar for Respondent No.2.

CORAM : SMT. BHARATI DANGRE, J.

DATE : 7TH OCTOBER, 2019

PC :

1. The dispute between the two brothers lead to the filing of a complaint before the Magistrate who issued process against the present petitioner. Though attempts were made by this court to resolve the discord by referring the matter for mediation, the same did not yield any result.

2. Unfortunately the matter is surfacing on the board after considerable time and it appears that good sense has prevailed amongst the parties with the assistance of Mr. Gawankar, representing the applicant and on the basis of the instructions received by him from the petitioner, who is present in Court, he makes a categorical statement which is being accepted as an undertaking to this court. He makes a statement that the complainant Shri. Dilip Kapadia would be permitted an entry in the disputed premises specifically referred to in the complaint as Bharat Diamond Bourse, Bandra Kurla Complex, Bandra (e), Mumbai. He also makes a solemn statement that the applicant would recognize the rights granted to him in terms of the Memorandum of Undertaking dated 4.7.2001 executed between continuing partners, newly inducted partners and the retired partners which include the complainant. A statement is also made by Mr. Gawankar that the premises are no longer in possession of Mr. Ravjibhai Ishwarlal Jodhani and there will be no restraint on the complainant to enter in the premises. Once the right of the complainant under Memorandum of Undertaking dated 4.7.2001 are recognized, I

see no reason why the dispute between the parties should continue.

3. In the light of the statement made by Shri. Gawankar, the learned counsel Shri. Ponda appearing for respondent No.2 fairly concedes and submit that he will take appropriate steps for closure of the proceedings which he had instituted.

4. In the light of the aforesaid understanding between the parties, criminal application is disposed of.

(SMT. BHARATI DANGRE, J.)