HUSENBASHA RAHAMAN NADAF
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Date: 2025.08.01 15:13:00 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2369 OF 2025
WITH
ANTICIPATORY BAIL APPLICATION NO. 249 OF 2023

Rishi Devendranath Kapoor ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

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Mr. Uday Warunjikar a/w. Mr. Granville Gomes, Ms. Reshma Kurle, Mr. Rishikesh Nabar i/b Mumbai Legal for the Applicant.
Mr. Rizwan Merchant a/w. Mr. Ruchika Ghag a/w. Rashi Maknikar i/b. Rizwan Merchant & Associates, for Respondent No.2.
Ms. Rashmi S. Tendulkar, APP for Respondent/State.

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CORAM : M.M. SATHAYE, J.

DATE : 31st JULY, 2025

P.C. :

1. This matter is heard for a couple of times by this court.

2. After going through record, it transpires and it is clear in the mind of this Court at least, that this litigation is nothing but a dispute between husband and wife and both the parties are interested only in settling the matter in terms of money and property. The element of criminality allegedly involved seems to have taken a back-seat and parties are fighting over settlement in terms of money and property.

3. Earlier order dated 31.01.2024, while granting interim protection, records about transfer of four flats in the exclusive name of First Informant.

4. It appears that in the course of the hearing when non-compliance was reported, IA/2369/2025 is taken out by the present Applicant seeking prayer for modification of order dated 31.01.2024.

5. Learned counsel for the Respondent – Complainant has raised serious dispute about whether the affidavit at page No.6 of said application (purported to be affirmed on 27.01.2023) is filed in the record. He contends that to avoid compliance with the order of this Court, IA/2369/2025 is filed.

6. Considering the fact that the prayer is sought to modify the order dated 31.01.2024 and modification is in respect of what was offered by the Applicant that day and whether it was towards full and final settlement, it is desirable that IA/2369/2025 is heard by the same learned Judge who passed the order dated 31.01.2024.

7. Registry is directed to place IA/2369/2025 before the same learned Judge. Parties are at liberty to mention.

8. Respondent – Complainant is at liberty to file reply to said application within a period of two weeks from today.

9. For the time being, interim protection granted earlier in ABA/249/2023 to continue for a period of four weeks from today.

(M.M. SATHAYE, J.)