

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

**Writ Petition No. 651 of 2022**

Shankarlal Vardichand Soni & anr.	...	Petitioners
v/s.		
The State of Maharashtra & anr.	...	Respondents

Mr Raju Suryawanshi for the petitioners.

Mr J. P. Yagnik, APP for the State.  
Mr Pradip Dalvi for respondent No.2.

**CORAM : NITIN W. SAMBRE &  
          R.N.LADDHA, JJ.**

**DATE    : 26 June 2023**

**P.C. :**

The petitioner and respondent No.2-Complainant are the Partners in a development firm.

2. Alleging misappropriation of firm's finances, offence being Crime No.283/2021 punishable under Sections 34, 406,409 and 420 of IPC came to be registered against the petitioners.

3. We have heard respective counsels.

4. As far as offence under Section 406 is concerned, the maintainability of the such prosecution is claimed to be covered by the judgment of Apex Court in the matter *Velji Raghavji Patel v/s. State of Maharashtra*<sup>1</sup>.

5. The further contentions are that clause 15 of the Partnership Deed provides for an arbitration which admittedly, the respondent-Complainant has not taken recourse to .

6. In the aforesaid background, the counsel for respondent-Complainant so also counsel for petitioners, on instructions, consent for appointment of Mr Girish Tarwani, Chartered Accountant, before whom parties intend to go for mediation.

7. The parties hereto agree that they shall appear before the Mediator on 30 June 2023.

8. We request the Mediator to complete the mediation proceedings and submit his report by 28 July 2023. Stand over to **1 August 2023**.

**R.N. LADDHA, J.**

**NITIN W. SAMBRE, J.**

Lata Panjwani, P.S.

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1 AIR 1965 SC 1433