

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

CRIMINAL APPLICATION NO.260 OF 2025

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Rajinder Rishi and Anr.

...Applicants

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr.Hrishikesh Mundargi a/w Ms.Paavani Chadha:-	Advocates for Applicants.
Mr.H.J.Dedhia:-	APP for Respondent No.1 -State.

CORAM : S. M. MODAK, J.

DATE : 4th AUGUST 2025

P. C. :-

1. Mentioned out of turn.
2. Heard learned Advocate Shri.Mundargi for the Applicants/
Accused. A process for the offence under Section 420 read with 34 of
the Indian Penal Code, 1860 ("IPC") is issued against them on the
basis of a private complaint filed by the Respondent No.2. A report
was called under Section 202 of the Code of Criminal Procedure, 1973
("Cr.P.C."). The order is dated 23rd March 2023. This order is
challenged by way of Revision, however, failed. That is why present
Application.

3. Learned Advocate Shri.Mundargi tried to explain to me the background for filing of private case. The Applicants and the Respondent No.2 have invested certain amount in the project. That project has not materialized. **That is why the premises were not handed over to all of them.** There is a settlement with the Developer, however, it has also not materialized. That is why the Complainant filed a private case. I find element of settlement is involved in this matter. Because predominantly the dispute has arisen out of property rights. Now the stage before the Magistrate Court is for recording of evidence before charge. Such evidence has to be recorded by way of traditional method and not by way of Affidavit.

4. An attempt can be made to refer the dispute to Mediation through the Committee of this Court. Even the Respondent No.2 can be called there. In view of that, following order is passed:-

ORDER

- (i) Let the dispute be referred to the Deputy Registrar – Main Mediation Monitoring Committee, High Court – Bombay for Settlement.
- (ii) The Deputy Registrar to appoint a suitable Mediator who is conversant with the dispute relating to the construction activity.

- (iii) The Applicants are directed to appear before the Office on **18th August 2025 at 11.00 a.m.**
- (iv) Office can issue notice to the Respondent No.2.
- (v) Sincere attempt can be made to secure his presence. Even the Applicants can send him a private notice of this order and to file Affidavit.

5. The matter be kept on **17th September 2025**. To be listed for “**Compliance**”. The Applicants are at liberty to request the trial Court to adjourn the matter in view of these directions.

[S. M. MODAK, J.]