IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4256 OF 2013

Mr. Imran Abdul Latif Shaikh.] … Petitioner
Versus
1. Mrs. Shaheen Imran Shaikh,]
2. State of Maharashtra.] … Respondents

Mr. R. S. Deshpande for Petitioner.
Ms. Ketki Datar for Respondent No.1.
Ms. R. M. Gadhvi, APP, for Respondent No.2-State.

CORAM :- M. S. SONAK, J.
DATE :- DECEMBER 09, 2015

P. C. :-

1. The petitioner and the respondent no.1 are present in Court along with their respective Counsel. They request that the matter be disposed of on the terms agreed between them.

2. Accordingly, this petition is disposed of by recording the agreed terms in the order :-

(a) That the petitioner undertakes to this Court to pay to the respondent no.1 an amount of Rs.2,30,000/- (Rupees Two Lacs Thirty Thousand Only) towards arrears of maintenance, in full and final settlement of present and future maintenance claims. This amount shall be paid in the following manner :-

(i) Rs.50,000/- will be paid today i.e. on 09/12/2015 by cheque drawn on ICICI Bank. The petitioner, in presence of the Court, has handed in the cheque in an amount of Rs.50,000/- to the respondent no.1.

(ii) Rs.50,000/- will be paid on or before 09/01/2016 by cheque drawn on ICICI Bank or by bank transfer into the account of the respondent no.1. The details of such bank account are already furnished by the respondent no.1 to the petitioner.

(iii) Rs.50,000/- will be paid on or before 09/02/2016 by cheque drawn on ICICI Bank or by bank transfer into the account of the respondent no.1.

(iv) Rs.50,000/- will be paid on or before 09/03/2016 by cheque drawn on ICICI Bank or by bank transfer into the account of the respondent no.1.

(v) Rs.30,000/- will be paid on or before 09/04/2016 by cheque drawn on ICICI Bank or by bank transfer into the account of the respondent no.1.

(b) The cheque shall be in the maiden name of the respondent no.1 i.e. Shaikh Shaheen Banu Nazir Ahmed. The petitioner confirms receipt of details with regard to the bank account of respondent no.1 should the petitioner opt for payment by way of bank transfer.

(c) The undertaking rendered by the petitioner, as aforesaid, is accepted as an undertaking to this Court. In case of breach of undertaking, then without prejudice, action

under the Contempt of Courts Act, the respondent no.1 shall be entitled to apply to this Court for appropriate compensation.

(d) Upon receipt of entire amount of Rs.2,30,000/- as aforesaid, in full and final settlement of all present as well as future maintenance claims, the petitioner and the respondent no.1 shall apply to the appropriate authority for dissolution of their marriage by mutual consent.

(e) Parties make it clear that the amount of Rs.2,30,000/- constitutes full and final settlement and the parties shall have no further claims against each other of any kind whatsoever, monetary or otherwise.

(f) The petitioner and the respondent no.1 agree not to take out any proceedings against each other for maintenance. The case, which is instituted by the respondent no.1 in the Family Court for recovery of maintenance, shall be withdrawn by her upon receipt of Rs.2,30,000/- as aforesaid.

(g) This Criminal Writ Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(h) All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)