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

CRIMINAL REVISION APPLICATION NO. 315 OF 2018

Tukaram Baburao Suryavanshi and ors	...	Applicant
V/s.		
Dnyanala Tukaram Suryavanshi and ors	...	Respondents

Mr. Anant Vadgaonkar, for the Applicant.
Mr. Kulkdeep U. Nikam, APP for respondent Nos. 1 to 3.
Mrs. M .H. Mhatre, APP for respondent State.
Dr. Tukaram B. Suryavanshi, applicant present.
Ms. Dnyanala T. Suryavanshi, respondent No.1 present

CORAM : N. J. JAMADAR, J.

DATE : 4th December, 2019.

PC. :

- 1] Heard the learned counsel for the parties.
- 2] The applicant No.1 is the father of respondent No.1- Dnyanal Tukaram Suryavanshi, who is the mother of respondent Nos. 2 and 3.
- 3] During the pendency of the Revision Application, by order dated 26th July, 2019, the matter was referred for mediation by Mr. Girish Kulkarni, Advocate.
- 4] It appears that the parties, in the meanwhile, amicably resolved the dispute. The applicant No.1 and respondent No.1 have filed affidavit

affirming that the matter has been amicably resolved in accordance with the consent terms annexed to the affidavit.

The relevant part of the consent terms reads as under:-

“3. However, both the parties have amicably settled the dispute amongst themselves on following terms:-

- (a) The appellant No.1 being father of respondent No.1 has agreed to bear entire expenses for the education of respondent Nos. 2 and 3 for their entire span of the educational career.
- (b) The appellant No.1 has also agreed to pay the education expenses for the last two years for the respondent Nos. 2 and 3. It is also agreed that the loan obtained by the respondent No.1 for the educational purposes of respondent Nos. 2 and 3, from United Bank of India, Sangli branch, to the tune of Rs.7 to 7.5 lakhs shall be repaid by appellant No.1.
- (c) It is further unanimously agreed between both the parties that the appellant No.1 shall repay the hand loan obtained by the respondent No.1 to the tune of Rs.2.5 lakhs.
- (d) It is further unanimously agreed that the respondent No.1 shall withdraw the Criminal Misc. application No.308 of 2014 filed before the J.M.F.C., Sangli and shall also withdraw the allegations made therein.

5. Both the parties state that the consent terms have

been entered in free will.

6] Both the parties state that in view of the consent terms the Revision Application No.315 of 2018 be disposed of with the consent of both the parties.

5] The applicant No.1 and respondent No.1 are present before the Court. They admit the assertions made in the affidavit as well as the contents of the Consent Terms. The applicant No.1 and respondent No.1 admit their signatures on the Consent Terms. They are identified by their respective counsels.

6] As indicated above, respondent No.1 is the daughter of applicant Nos. 1 and No.2. Respondent No.1 had preferred application under Section 12 of the Protection of Women from Domestic of Violence Act, 2005, and monetary relief was granted by the learned Magistrate, by order dated 4th May, 2016. The said order was carried in appeal by the applicants before the Court of Sessions, being Criminal Appeal No.111 of 2016.

7] The appeal came to be partly allowed and the applicants were directed to pay monthly maintenance at the rate of Rs.7,000/- per month to respondent No.1 and Rs.5,000/- per month to respondent Nos. 2 and 3, from the date of application. The applicants were further directed to pay schools fees of respondent Nos. 2 and 3. The said order is challenged in this revision.

8] In the backdrop of the relationship between the parties, it seems that wiser counsel has prevailed and the applicants and respondent No.1 have amicably settled the matter and arrived at Consent Terms. In addition to the provisions made/ undertaking in the Consent Terms (extracted above), the learned counsel for applicant No.1 has made a statement, on instructions of applicant No.1, before the Court that the applicant No.1 would keep an amount of Rs.5,00,000/- (Rs. Five lakhs only), in a fixed deposit with a nationalized bank, in the joint names of respondent Nos. 1 to 3 to take care of the educational expenses of respondent Nos. 2 & 3.

9] The statements made by the applicant No.1 and respondent No.1 in the Consent Terms are accepted. The statement made by the applicant NO.1 before this Court today is also accepted.

10] Revision Application, thus, stands disposed of in accordance with the Consent Terms and the statements made before this Court and accepted by this Court.

Sub Clauses (ii), (iii) and (v) of clause (2) of the order dated 28.03.2018, passed by 5th Additional Sessions Judge, Sangli, in Criminal Appeal No.111 of 2016 stand quashed and set aside.

[N. J. JAMADAR, J.]