

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 70 OF 2015

(Sau. Anita w/o Santosh Dande and another ..vs.. Santosh s/o Ramrao Dande and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

None for the applicants,
Mr. Raj Wakode, Counsel for non-applicant 1,
Mr. S.S. Doifode, Addl.P.P. for non-applicant 2.

CORAM : ROHIT B. DEO, J.

DATED : 13-01-2021

Heard Mr. Raj. Wakode, learned Counsel for non-applicant 1.

2. Perusal of the orders dated 01-12-2020, 08-12-2020, 15-12-2020 and 05-1-2021 indicate that the parties did make a submission that there is a possibility of an amicable settlement.

3. The learned Counsel for the applicants failed to appear on 21-12-2020, on the next date of hearing i.e. 05-1-2021 the learned Counsel for the applicants and the learned Counsel for non-applicant 1 did not appear and again today there is no appearance on behalf of the learned Counsel for the applicants.

4. Mr. Raj Wakode, learned Counsel for non-applicant 1 invites my attention to the affidavit dated 08-12-2020 and the terms of settlement annexed thereto.

5. The relevant portion of the affidavit reads thus :

*“2. It is submitted that during the pendency of the present criminal application, the matrimonial dispute between the present applicant no.1 and the respondent no.1 was amicably settled before the learned District Judge, Amravati on 26-09-2017. It is submitted that as per the terms of the settlement, the respondent no.1 had paid an amount of Rs.7 lakhs as a permanent alimony to the applicant no.1, apart from the earlier maintenance which was paid since the year 2002. It is submitted that in clause-5 the applicant no.1 had agreed that she will not claim any maintenance against the respondent no.1 in future. It is submitted that the applicant no.1 in clause 8 had also agreed that she will withdraw all the cases which she had filed against the respondent no.1 at Akola, Nagpur and Amravati. The copy of the terms of the settlement dated 26-09-2017 signed by the applicant no.1 and the respondent no.1 and their respective counsel before the learned District Judge-7, Amravati are annexed herewith and marked as **ANNEXURE-X**.*

3. It is therefore, most humbly submitted that the present criminal application for enhancement of maintenance has become infructuous and therefore deserves to be disposed of by this Hon’ble Court in view of the aforesaid terms of settlement dated 26-09-2017, in the interest of justice.”

6. The learned Counsel Mr. Raj Wakode then invites my attention to Clause-5 of the settlement which states that the appellant-wife shall withdraw the maintenance recovery case ER Petition 119/2014. Mr. Raj Wakode states that both the applicants herein are parties to the

said recovery case. Mr. Raj Wakode further invites my attention to Clause-8 which then states that the case pending at Nagpur shall be withdrawn. Mr. Raj Wakode states that present application is the only matter pending at Nagpur.

7. It appears that in view of the mutual settlement, nothing survives for adjudication.

8. The application is disposed of.

JUDGE

adgokar