

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.626 OF 2022**

Dhaval Narendra Madhani .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms.Hetal Patel with Suraj Shetye for the applicant.
Mr.D.K. Shukla for the intervenor.
Mrs.Rutuja Ambekar, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 15th JUNE, 2022**

P.C:-

1 The parties were referred for mediation and it is informed that with the assistance of the learned mediator, Justice S.J. Kathawalla, the settlement is arrived at.

The mediation report received, is accompanied with the terms of settlement signed by the complainant and the applicant on 14/6/2022. The report is taken on record along with the terms of settlement and marked 'X' for identification.

2 The complainant and the applicant are present in the Court and their identity has been verified by the Sheristadar through their Aadhar cards.

3 Under the terms of settlement, the parties have amicably settled the various issues arising out of their relationship as 'husband and wife', and have arrived at a consensus about the custody of the minor daughter, including her access, alimony and maintenance and obtaining divorce by mutual consent by filing petition before the Family Court u/s.13(b) of the Hindu Marriage Act, 1955.

4 It is also agreed that the pending proceedings instituted at the instance of the wife, shall be withdrawn by her and the parties have agreed that they would approach the concerned Court for quashing of the FIR in which the applicant is arraigned as accused and seek Anticipatory Bail.

5 Since the discord has been settled between the parties, through the terms of settlement, the parties shall abide by the terms in the settlement deed and are expected to act accordingly. The terms of settlement are agreed to be whole and composite settlement signed by the parties out of their free will without any force and coercion and in case of any difficulty, they have agreed to approach the learned mediator who shall assist in arriving at a settlement.

6 Since the parties have agreed to approach the Family Court by filing Petition u/s.13(b) of the Hindu Marriage Act, the Family Court at Bandra where the petition is likely to be instituted, the Family Court is requested to dispose off the

petition by taking into account the fact that the parties are residing separately for more than one year and also the fact that there is irretrievable break down of their marriage and if the Court deems it fit, it may minimize the statutory minimum period prescribed u/s.13-B of the Hindu Marriage Act, and dispose off the petition expeditiously.

7 Before the proceedings are concluded, I would like to place on record a word of appreciation for Justice Kathawala, who has successfully mediated between the parties and assisted them in coming to the ‘Terms of Settlement’.

8 In the wake of the aforesaid settlement, the protection granted in favour of the applicant on 9/3/2022, deserve to the complied.

9 Application is disposed off.

(SMT. BHARATI DANGRE, J.)