

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.566 Of 2023

Namita Vinaykumar Shetty .. Petitioner
Versus
Vinaykumar Vijaykumar Shetty and .. Respondents
anr

...

Mr. Ateet Shukla i/b Vikramsingh Parmar for the petitioner.
Ms.Chaula Solanki with H.H. Nagi i/b Nagi & Associates for
respondent no.1.
Ms.P.N. Dabholkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 23rd MARCH 2023

P.C:-

1 Heard learned counsel for the petitioner and the learned counsel for the respondent in presence of their respective parties.

2 Criminal Writ Petition is filed by the petitioner wife, praying for quashing and setting aside of the order dated 27/9/202022 passed by the Sessions Court, Mumbai in Criminal Appeal No. 269/2021 for seeking modification of the order dated 11/11/2019 and praying that the amount of maintenance granted in favour of the petitioner shall be enhanced from Rs.30,000/- per month to Rs.One lakh per month.

Without going into the merits of the matter, since the parties have expressed that they are ready for a settlement, I deem it appropriate to record the Terms of Settlement agreed between the parties who are present in the Court, and the present Writ Petition stand disposed off in the wake of the aforesaid settlement.

TERMS OF SETTLEMENT

- (i) The respondent husband agree to accord his consent to the petition for divorce to be filed by the petitioner wife before the Family Court at Mumbai.
- (ii) For the husband according his consent for grant of divorce by mutual consent, the wife shall withdraw the Domestic Violence proceedings pending before the Magistrate at Dadar, Case No.16/DV/2019.
- (iii) Wife shall accord No Objection for quashing of C.C.No.16/DV/2019 and shall also undertake to withdraw the proceedings pending before the Addl. Metropolitan Magistrate, Dadar, vide C.C.No. 748/PW/2018, registered pursuant to C.R.No. 80/2018 lodged by Dadar police station.
- (iv) The petitioner wife undertake that she shall not claim any maintenance and alimony.

(v) The respondent shall permit the petitioner wife to retain the '*streedhan*' and shall stake no claim in respect of the same, and in the wake of the said undertaking, the wife shall not prosecute application seeking cancellation of bail.

The aforesaid terms agreed between the parties shall be binding on either of them and will be reciprocal in nature.

Upon the petitioner filing for mutual divorce, the Family Court shall take into account an important aspect that the parties are separated since last six years and therefore, it may in the given facts, deem it appropriate to waive the compulsory cooling period of six months.

In the wake of the aforesaid consent terms, the present Petition is not pressed and stand disposed off.

(SMT. BHARATI DANGRE, J.)