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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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CRIMINAL WRIT PETITION NO.153 OF 2023

Suyash Singhania

...Petitioner

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr.Kartik Garg i/b Mr.Ravish Mishra for the Petitioner.
None for the Respondents.

CORAM : RAJESH S. PATIL, J.
DATE : 11TH DECEMBER, 2023.

P.C. :-

1. This Criminal Writ Petition challenges distress warrant issued by 49 M.M. Court, Vikhroli, Mumbai in C.C. No.167/DV/2018 by its order dated 10 January 2020, as confirmed by the impugned judgment and order dated 29 September 2022, passed by the Sessions Court, Mumbai in Criminal Revision Application No.298 of 2020.

2. Advocate for the Petitioner on instructions submits that the dispute between the parties has been settled, as they have entered into the consent terms before the Appellate Court at Bandra. He tenders a copy of the decree dated 26 October 2023, which records that the consent terms being entered into the parties. For the ease of

reference, decree dated 27 October 2023 along with the consent terms are reproduced herein below :

Adm. Gang

CERTIFIED TRUE COPY

CNR NO. MHFC01005420-2017 A-2407/2017 (Decree)

Application No.	12544/23	Applicant's Name	Suyash Singhania	Applicant's Address	No. 777
Filed on	25/10/23	Filed on	25/10/23	Total Pages	19.00
Delivered on	27 OCT 2023	Delivered on	27 OCT 2023		

Superintendent
Family Court
Mumbai

Superintendent
Family Court
Mumbai

DECREE
IN THE FAMILY COURT MUMBAI AT BANDRA
BEFORE SHRI V. R. JAGDALE, JUDGE,
FAMILY COURT NO. 7, BANDRA MUMBAI
PETITION NO. A-2407 OF 2017

Exh-42

Suyash Ashokkumar Singhania
Address: C/o Axis House,
Bombay Dyeing Mills Compound,
Worli P.B. Marg,
Mumbai 400025 ...Petitioner No.1

And

Mrs. Varsha Suyash Singhania.
Address last known to Appellant
Flat No.602, 6th Floor,
Panchratna Co-op Housing Society Ltd.,
L.B.S. Marg, Damodar Park,
Ghatkopar (West),
Mumbai 400086 ...Petitioner No.2

CNR NO. MHFC01005420-2017**A-2407/2017 (Decree)****For divorce by mutual consent under section 13-B of The
Hindu Marriage Act, 1955**

Filing date of petition	08.08.2017
Date of Marriage	06.05.2013
te of separation	January, 2018
Child if any	One, "Vivaansh"
Status- Petitioner No. 1	Bachelor
Status- Petitioner No.2	Spinster
Maiden name	Miss. Manisha Balkrishna Avkirkar

The said petition has come up for final hearing on 29.09.2023 before Shri. Vikram R. Jagdale, Judge, Family Court No. 7 Bandra, Mumbai. In which the petitioner no. 1 and 2 have appeared through their counsel and the Court in the said case has ordered as follows;

ORDER

1. The joint petition is allowed.
2. The marriage between petitioner No.1 and petitioner No.2 solemnized on 06.05.2013 is hereby dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955.
3. Consent terms at Exh.33 shall form part of the decree.
4. The original documents are to be returned as per law to the parties upon copies being filed by them.
5. No order as to cost.

CNR NO. MHFC01005420-2017

A-2407/2017 (Decree)

CONSENT TERMS AT EXH- 16

1. That the above said divorce Petition is filed by the Petitioner against the Respondent under section 13 (a) of Hindu Marriage Act, 1955 for the dissolution of their marriage held on 06/05/2013 and out of the wedlock one child is born named master "Vivaansh" born on 07/10/16 and they are living separately since January, 2018. Now J both the parties hereby agreed to settle their marital dispute amicably by converting the present contested divorce petition into mutual consent divorce petition under section CAR 13-B of Hindu Marriage Act, 1955.

2. With a view to settle the matrimonial dispute amicably the de Petitioner and Respondent have set forth their hands to the below mentioned terms and conditions as the Consent Terms, which were mutually agreed by both the parties with their free will & consent and without any coercive force, for dissolution of their marriage.

3. The Petitioner and Respondent have agreed to end their marriage by seeking a decree of divorce by mutual consent under section 13B of Hindu Marriage Act, 1955 and these Consent Terms will be inherent to the said decree, which shall be granted immediately on compliance of the consent terms.

CNR NO. MHFC01005420-2017

A-2407/2017 (Decree)

4. Both the parties unconditionally agreed to withdraw all the allegations and counter allegations made by both parties against each other. Both the parties undertake to this Hon'ble Court that neither of them repeats the allegations either by word of mouth or in printed / digital formats or on social media. **Further the below terms agreed mutually by both the parties forms a part & parcel of Petition.**

CONSENT TERMS

The Petitioner and the Respondent have settled their matter amicably on the terms and conditions set out as under:

1. The Petitioner has agreed to pay a sum of Rs. 60,00,000/- [Rupees Sixty Lakhs] towards past present and future alimony, maintenance and full and final settlement to the Respondent for herself and child Vivansh which he will transfer at the time of signing of the consent terms before the Ld. Counselor in the Hon'ble Family Court of Mumbai in the bank account of the respondent online.
2. The Respondent hereby declares that after receipt of alimony amount as more specifically stated in para 1 above, she will not claim any past present or future alimony from the Petitioner for herself or the child in future in any circumstances.

CNR NO. MHFC01005420-2017

A-2407/2017 (Decree)

3. Both the parties have agreed and declared that the sole permanent custody of the minor child master "Vivaansh" shall continue to be with the Respondent/ mother and the Petitioner shall not claim any custody/access right in future, the Petitioner is waving the right of access of the child.

4. The Respondent agrees, declares and undertakes to withdraw all cases i.e., PWDV PROCEEDING under section 12 bearing no. 167/ DV/ 2018 pending before Hon'ble M.M. Court at Vikroli.

5. Both the parties hereby agreed that after passing of the Decree, the Petitioner shall withdraw the High Court Criminal Writ Petition No. 153 of 2023 and shall have liberty to withdraw the money i.e. Rs. 3,65,000/- [Rupees Three Lakhs sixty five thousand only] and with interest if in any that was deposited by him as per Order dt. 13/1/2023 passed by the Hon'ble High Court and respondent shall not have any claim in it.

6. Both the parties hereby declared that all the articles, belongings are already exchanged between the parties and nothing is hereby pending which is to be exchange between them.

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7. Both the parties hereby agreed that from the date hereof they will not interfere in each other's day-to-day affairs, or invade direct privacy or breach peace of the other, in any manner whatsoever.

8. Both the parties undertake to this Hon'ble Court not to make any defamatory and/or slanderous statements, allegations, against each other amongst their family, friends, social circle or through social media.

9. Both the parties undertake to this Hon'ble Court that they will not file any civil or criminal proceedings in respect of alimony, custody, access, maintainance etc.

10. Both the parties agree and confirm that over and above what is mentioned herein, the parties shall have no claims of any nature whatsoever.

11. Both the parties have settled their respective claims and counter claims against each other as agreed upon. Petitioner and Respondent state that there is no collusion or connivance between them for dissolution of their marriage.

12. Both the parties shall not challenged the present consent

CNR NO. MHFC01005420-2017A-2407/2017 (Decree)

terms on any grounds

13. The present consent terms shall form part of divorce decree.

14. Both the parties herewith declare that there is free will consent for signing the present mutual consent terms and there is no force, fraud and undue influence upon them.

15. Both the parties herewith declare that they will abide by the present consent terms.

BILL OF COST

Sr. No.	Cost of the Petitioners	Rs. Ps.
1	Stamp on Petition	100-00
	Total	<u>100-00</u>

GIVEN UNDER MY HAND AND SEAL OF THIS COURT.
DATED THIS 29TH DAY OF SEPTEMBER, 2023

Sd/- 26.10.2023
A. S.



Sd/- 26.10.2023
(V. R. Jagdale)
Judge,
7th Family court, Mumbai.

Typed by :
Read by :
Prepared by :

TRUE COPY

B. S. J.
Supervising
Family Court
Mumbai

3. According to the consent terms, the Petitioner herein (husband) has agreed that he will be paying Rs.60,00,000/- to the Respondent (wife). Advocate for the Petitioner submits that the said sum of Rs.60,00,000/- has already been paid by the Petitioner to the Respondent (wife). He further submits that the present Criminal Writ Petition No.153 of 2023 was to be withdrawn as per clause 5 of the said consent terms and an amount of Rs.3,65,000/- was deposited without prejudice with the 49 M.M. Court, Vikhroli, Mumbai. On the last occasion, advocate for the Petitioner was directed to serve a copy of the notice to the Respondent (wife), as she was not present on the last occasion. Advocate for the Petitioner submits that he has filed affidavit of service with delivery report of the Courier Service, which shows that the packet containing the letter of the advocate for the Petitioner, has been delivered, to the Respondent (wife) on 22 November 2023 at 6:21 p.m.

4. The Petitioner is seeking liberty to withdraw the Criminal Writ Petition and to allow the Petitioner to withdraw a sum of Rs.3,65,000/- along with accrued interest thereon from the 49th M.M. Court, Vikhroli, Mumbai.

5. Liberty as prayed is granted. The Petitioner can withdraw the sum of Rs.3,65,000/- deposited by him in the 49th M.M. Court, Vikhroli, Mumbai along with accrued interest, if any.

6. Criminal Writ Petition is accordingly disposed of.
7. All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)