

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.469 OF 2022

Komal Nikhil Rithe ...Applicant
Versus
Ranjana Balasaheb Rithe & Anr. ...Respondents

WITH

MISCELLANEOUS CIVIL APPLICATION NO.342 OF 2024

Komal Nikhil Rithe ...Applicant
Versus
Nikhil Balasaheb Rithe ...Respondent

Mr. Vaibhav R. Gaikwad a/w. Ms. Pradnya C. Solanki and Mr. Atharv Bhingardev, for the Applicant in Cri. Application No.469 of 2022.

Mr. Saurabh Patil, for the Respondent No.1 in Cri. Application No.469 of 2022.

Mr. Mitesh R. Sakhare i/b. Mr. Dhanraj A. Lodha, for the Respondent in M.C.A. No.342 of 2024.

Ms. Komal Nikhil Rithe, the Applicant in Cri. Application No.469 of 2022 and M.C.A. No.342 of 2024, present in-person.

Mr. Nikhil Balasaheb Rithe, the Respondent in M.C.A. No.342 of 2024 present in-person.

Ms. Ranjana Balasaheb Rithe, the Respondent No.1 in Cri. Application No.469 of 2022.

CORAM: MADHAV J. JAMDAR, J.
DATED : 28th APRIL 2025

PC:-

1. Heard the learned Counsel appearing for the parties. They state that the dispute between the parties has been settled and they tender the Settlement Agreement/Consent Terms.

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2. The Consent Terms are signed by the Applicant-Komal Nikhil Rithe and by the Respondent in Miscellaneous Civil Application No.342 of 2024-Nikhil Balasaheb Rithe. The Consent Terms are also signed by the Respondent No.1- Ranjana Balasaheb Rithe in Criminal Application No.469 of 2022. All the parties are present in Court and they state that the dispute between them is settled in terms of the Consent Terms. The Consent Terms are signed by the respective Advocates. They identify the signatures of respective parties to the Consent Terms.

3. Accordingly, the Consent Terms are taken on record and marked 'X' for identification. The Consent Terms read as under:

**"SETTLEMENT AGREEMENT / CONSENT TERMS
BETWEEN APPLICANT WIFE AND RESPONDENT
HUSBAND**

*The settlement agreement/consent terms are executed on this 28th Day of April 2025 by and between **Komal Nikhil Rithe** (Applicant) and **Nikhil Balasaheb Rithe** (Respondent). Ranjana Balasaheb Rithe (Respondent in Cr. Appln No. 469/2022) is the consenting party to the settlement agreement.*

1. That the Applicant Wife and Respondent Husband got married on 16/11/2019 in accordance with Hindu rituals, rites and custom at 'Aishwarya

Baquet Tower Hall, Near Shivshristi, Dalvi Park, Katraj-Mumbai Bypass Highway, at Ambegaon Budruk. The said marriage was solemnized in presence of family members of both the parties.

2. After the marriage, both the Applicant Wife and Respondent Husband started residing together at Khalapur (Khopoli) in the house of Ranjana Balasaheb Rithe. There appeared various matrimonial disputes between the Applicant Wife and Respondent Husband till 16/08/2021. Later on, both Applicant Wife and Respondent Husband started residing separately and till date both are residing separately from 2021. After their separation there was conciliation and mediation took place, however, both, Applicant Wife and Respondent Husband are not willing to reside together and have mutually agreed to separate from each other as per the terms and conditions mentioned below:

A. That due to multiple disputes between the Applicant Wife and Respondent Husband and Ranjana Rithe, various cases been filed by them against each other. The list of cases is mentioned below have been filed by them against each other. The list of cases is mentioned below:

SR. NO.	CASE NO.	COURT	PARTIES	STATUS
1.	Cri. MA. 78/2022	Hon'ble JMFC Khalapur	Ranjana Rithe Vs. Komal Rithe & Ors.	Pending (Stayed by High Court)
2.	Cri. MA. 255/2022	Hon'ble JMFC Pune	Komal Rithe vs. Nikhil Rithe & Ors.	Pending
3.	Marriage Petition 117/2024	Hon'ble Civil Judge Senior Division Panel	Nikhil Rithe vs. Komal Rithe	Pending (Stayed by High Court)

B. It is agreed between the Applicant Wife, Respondent Husband and Ranjana Rithe, that Cri.

M.A. 78/2022 filed before the Hon'ble JMFC Khalapurby Ranjana Rithe against the Applicant Wife and Respondent Husband will be withdrawn within three week from today i.e. till 19/05/2025.

C. It is agreed between the Applicant Wife and Respondent Husband, that Cri. M.A. 255/2022 filed before the Hon'ble JMFC Pune by the Applicant Wife against the Respondent Husband will be withdrawn within three week from today i.e. till 19/05/2025.

D. It is agreed between the Applicant Wife and Respondent Husband that the Marriage Petition No. 117/2024 filed before the Hon'ble Civil Judge Senior Division, Panvel by the Respondent Husband against the Applicant Wife, seeking divorce under Section 13(1), 1-A), (1-B) of Hindu Marriage Act, will be converted into Petition for Divorce by Mutual Consent under Section 13(B) of Hindu Marriage Act within two week, by filing the consent terms and both parties will provide their full support and cooperation for the securing divorce by Mutual Consent.

E. It is further agreed between the Applicant Wife and Respondent Husband that, for the above settlement of disputes and divorce by Mutual Consent the Respondent Husband will pay an amount of Rs. 19,00,000/- (Rupees Nineteen Lakhs Only) to Applicant Wife as an one time permanent alimony. The Respondent Husband will issue the demand draft of Rs. 19,00,000/- (Rupees Nineteen Lakhs Only) in the name of Applicant Wife.

The bank account details of Applicant Wife are as below:

Beneficiary Name: Komal Ramesh Salunke

Bank Account number:15020100075952

Bank Name: The Federal Bank Ltd

IFSC Code: FDRL0001502

Branch: Pune/Dhankavadi

F. It is agreed between the Applicant Wife and Respondent Husband that the Respondent Husband will submit the demand draft of Rs. 19,00,000/- in the Court of Civil Judge Senior Division, Panvel, in the Marriage Petition No. 117/2024, at the time of conversion of Petition for Divorce by Mutual Consent under section 13(B) of Hindu Marriage Act. Further the said demand draft shall be handed over to the Applicant Wife by the Civil Judge Senior Division on the date of passing final order in the said Petition for divorce by Mutual Consent.

G. It is further agreed between the Applicant Wife and Respondent Husband that all the gold ornaments, personal belongings and gifts/articles have been returned back to each other and in future both Applicant Wife and Respondent Husband will not create any dispute or file any criminal complaint or civil suit in the any court with respect to the gold ornaments, personal belongings and gifts/article.

H. It is further agreed between the Applicant Wife and Respondent Husband that after the Divorce by Mutual Consent, the Applicant Wife will have not have any kind of right and/or claim in any of the properties of Respondent Husband and/or in the properties of Ranjana Rithe.

I. It is further agreed between the Applicant Wife and Respondent Husband that, after granting decree for the Divorce by Mutual Consent, both the Applicant Wife and Respondent Husband shall not

contact each other's friends, family, relatives as well as they shall not contact each other and not interfere in each other's personal life.

J. Both the Applicant Wife and Respondent husband and also Ranjana Rithe withdraw all allegations and contentions against each other. It is further agreed and undertakes by the Applicant Wife and Respondent husband and also Ranjana Rithe that they will not make any allegations in future against each other.

K. In case the Respondent Husband failed to pay an amount of Rs. 19,00,000/- to the Applicant Wife for any reason, all cases filed by the Applicant wife and orders passed therein as well as Orders passed in Petition for Divorce by Mutual consent stands reviewed. The Applicants wife will have liberty to proceed with cases filed Applicant wife.

L. The statements contend in the present consent terms are treated as undertaking given to the Hon'ble Court. Both parties agrees to abide by the undertaking given in the present consent terms.

M. That the present consent terms are executed by the free consent and there is no coercion or any kind of pressure upon the parties by each other."

4. Various statements made in the Consent Terms are accepted as undertakings given to this Court.

5. Accordingly, the Criminal Application No.469 of 2022 and Miscellaneous Civil Application No.342 of 2024 are disposed of in terms of the Consent Terms.

6. All the learned Counsel state that the Applicant-Komal Nikhil Rithe and the Respondent-Nikhil Balasaheb Rithe are staying separately since year 2021. Thus, if the Application for waiver of statutory period under Section 13B of the Hindu Marriage Act, 1955 is filed, then the learned Trial Court is requested to consider the same in accordance with law.

[MADHAV J. JAMDAR, J.]

Note: This order is corrected as per order dated 8th May 2025.