

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.507 OF 2024

Manjiri Yatin Patkar

...Applicant

Versus

Yatin Vinaykumar Patkar & Ors.

...Respondents

Mr. D.S.Mhaispurkar a/w Mr. Hrishikesh Pawaskar, for the Applicant.

Mr. S.M.Gorwadkar, Senior Advocate a/w Mr. N.V. Walawalkar, Senior Advocate i/b Mr. Sumedh S. Modak, for the Respondent Nos.1 and 2.

Ms. Anuja Gotad, APP for the State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 12 FEBRUARY 2025

P.C.:

1. Mr. Mhaispurkar, learned Counsel appearing for the Applicant and Mr. Gorwadkar, learned Senior Counsel along with Mr. Walavalkar, learned Senior Counsel appearing for the Respondent Nos. 1 and 2 state that the parties have settled the dispute and tender the Consent Terms. The Consent Terms are signed by the Applicant as well as Respondent Nos. 1 and 2 as also their respective Advocates. The Applicant as well as the Respondent Nos. 1 and 2 are personally present in Court and state that the dispute between them has been resolved in terms of the Consent Terms. The signatures of Applicant and Respondent Nos. 1 and 2 are identified by their respective Advocates. Accordingly, the Consent Terms are taken on record and marked "X" for identification. The Consent Terms read as under :-

CONSENT TERMS

“1) The Applicant and Respondent No. 1 were married on 27.11.2011 according to Hindu Vedic rites and rituals. The dispute between them started in the month of March 2012, since then they are staying separate. The parties have filed various proceedings against one another in different Courts. The parties have now decided to settle all their disputes amicably.

2) In view of the consensus arrived at between the parties to resolve their disputes amicably, the parties have agreed upon the following consent terms:

3) The Applicant and Respondent Nos. 1 & 2 hereby withdraw all allegations made against each other in all the proceedings between the parties herein. The Respondents specifically withdraw their allegations that the Applicant has filed various proceedings to extract money from the Respondents.

4) The Respondents will prepare draft of the petition for divorce by mutual consent within 2 weeks from the filing of the consent terms and send for the approval of the Applicant and the Applicant will convey her response of approval within two weeks from receipt of such draft from the Respondents.

5) The Respondent No. 1 shall pay an amount of Rs. 1,10,00,000/- (Rupees One Crore Ten Lakhs Only) to the Applicant by way of full and final settlement of all the claims of the Applicant against Respondent No. 1. The Applicant will not raise any claim against Respondent No. 1 (Husband) or his parents viz. Respondent No. 2 (Mother) and Shri Vinaykumar Digambar Patkar (Father).

6) The Respondent No.1 shall take out the demand draft of the agreed amount, in the maiden name of the Applicant i.e. Manjiri Pralhad Kochrekar and shall hand over the demand draft to the Applicant at the time of signing of the consent terms.

7) In view of the above settlement between the parties, the Applicant and Respondent No. 1 hereby agree and undertake to withdraw and shall withdraw the proceedings filed against each other by applying before the concerned Court or courts

in the following manner:

8) The Applicant agrees and undertakes to withdraw within 2 weeks from filing these consent terms in this Hon'ble Court, proceedings bearing Criminal Miscellaneous Application No. 45 of 2012 filed by her against Respondent Nos. 1 & 2 under the provisions of Protection of Women from Domestic Violence Act, 2005 by filing appropriate withdrawal application before the Court of Ld. J.M.F.C., (IIIrd Court) Kalyan, at Kalyan and the Respondents agree and undertake to give their no objection for withdrawal of those proceedings.

9) The Applicant shall withdraw proceedings bearing Summary Criminal Case No. 1391 of 2015 filed by her against Respondent No. 1 for defamation u/s. 500 of IPC, 1860 by filing within 2 weeks from filing of these consent terms in this Hon'ble Court, appropriate withdrawal application or application for compounding of offence before the Court of Ld. J.M.F.C., (IIIrd Court) Kalyan, at Kalyan. Respondents agree and undertake to give their no objection for withdrawal of those proceedings.

10) The Respondent No.s 1 & 2 shall file a petition before the Hon'ble Bombay High Court for quashing of CR No. I-205/2012 and consequently the Regular Criminal Case No. 128 of 2013, which is pending against them for offences punishable u/s. 498A, 377, 506, 406, 504, 509, 323, 355, 427 and 34 of IPC, 1860 before the Court of Ld. J.M.F.C., (IIIrd Court) Kalyan, at Kalyan. The Applicant undertakes that she would give an affidavit before the Hon'ble Bombay High Court giving consent for quashing of the CR No. 1-205/2012 and consequently the Regular Criminal Case No. 128 of 2013. The Applicant undertakes that such affidavit would be given by her to the Respondent Nos. 1 & 2 in advance within 2 weeks from the receipt of the draft from the Respondents, so as to enable them to annex her affidavit to the petition itself.

11) The Applicant shall, within 2 weeks from filing these consent terms in this Hon'ble Court, withdraw proceedings bearing Summary Criminal Case No. 192 of 2021 filed by her against Respondent No. 1 for defamation u/s. 500 of IPC, 1860 by filing appropriate withdrawal application/application for compounding of offence before the Court of Ld. J.M.F.C., (IIInd Court) Kalyan, at Kalyan. Respondents agree and

undertake to give their no objection for withdrawal of those proceedings.

12) The Marriage Petition No. 274 of 2018 filed by the Respondent No. 1 would be converted into a marriage petition for divorce by mutual consent by filing appropriate amendment application. The Applicant shall give her consent affidavit to the amendment application in advance to the Respondent No. 1 so as to enable him to annex the consent affidavit to the amendment application itself.

13) Respondent No. 1 & 2 agree and undertake to withdraw proceedings bearing Special Civil Suit No. 32 of 2019 filed by them against the Applicant, seeking damages and injunction, within 2 weeks from filing these consent terms in this Hon'ble Court, by filing appropriate withdrawal application before the Court of 3rd Civil Judge Senior Division, Kalyan. The Applicant agrees and undertakes to give her no objection for withdrawal of those proceedings, if needed.

14) Respondent No. 1 agrees and undertakes to withdraw proceedings bearing Criminal Revision Application No. 124 of 2022 filed by him under section 397 of CrPC by filing appropriate withdrawal application within 2 weeks from filing these consent terms in this Hon'ble Court, before the Court of 4th/5th District and Sessions Judge, Kalyan. The Applicant agrees and undertakes to give her no objection for withdrawal of those proceedings, if needed.

15) Respondent No. 1 shall withdraw proceedings bearing Civil Miscellaneous Application No. 185 of 2019 filed by him against the Applicant under section 15(2) of Contempt of Courts Act 1971 & CPC 195 by filing appropriate withdrawal application within 2 weeks from filing of these consent terms in this Hon'ble Court, before the Court of 4th Civil Judge Senior Judge, Kalyan. The Applicant agrees and undertakes to give her no objection for withdrawal of those proceedings, if needed.

16) The parties agree that Shri Vinaykumar Digambar Patkar, father of Respondent No. 1 undertakes to withdraw and shall withdraw proceedings bearing Summary Criminal Case No. 727 of 2017 filed by him against the Applicant's mother, Smt. Jidnyasa Kocharekar for defamation u/s. 500 of IPC, 1860

within 2 weeks from filing of these consent terms in this Hon'ble Court by filing appropriate withdrawal application application for compounding of offence before the Court of Ld. J.M.F.C., (IIIInd Court) Kalyan, at Kalyan. The necessary no objection for withdrawal of those proceedings shall be provided, if needed.

17) The Parties agree and undertake that they by themselves or anybody claiming through them, henceforth, shall not file any complaint of civil, criminal nature nor shall file any suit or other proceedings against each other of whatsoever nature.

18) The Parties agree and undertake that hence forth they shall not have any claim against each other of whatsoever nature and shall not interfere with the life of each other, by whatsoever means.

19) The parties undertake to abide by the abovesaid terms of settlement as agreed upon by them hereinbefore in their true letter and spirit.

20) All the undertakings given by the Parties shall be accepted by this Hon'ble Court.”

2. The undertaking given in the Consent Terms are accepted.

3. Mr. Mhaispurkar, learned Counsel appearing for the Applicant after taking instructions from the Applicant states that the Demand Draft of Rs.1,10,00,000/- which has been handed to the Applicant by the Respondent No.1 shall be deposited in the Bank, after compliance of clause No.4 of the Consent Terms.

4. Accordingly, the Criminal Application is disposed in terms of the Consent Terms and in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

