

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

rpa

CRIMINAL WRIT PETITION NO. 602 OF 2013

Anil Khanna

.. Petitioner

Vs.

The State of Maharashtra & Anr.

.. Respondents

....

Mr. Diwakar Singh, Advocate for the Petitioner.

Mr. D. R. More, A.P.P. for Respondent No.1.

Mr. Sandeep Dubey, Advocate for Respondent No.2.

....

CORAM : K. U. CHANDIWAL, J.

DATED : JULY 31, 2013.

P.C. :

Heard.

2 The petitioner/accused seeks quashment of C.R.No.630 of 2011 for offence punishable under section 304 A of Indian Penal Code (IPC) arising out of MIDC police station. The learned counsel for respondent no. 2 – original complainant Smt. Sunita Sakhdeo Bali, a widow/female has tenderd an affidavit today.

3 The accused – petitioner runs an industrial unit.

Sukhdeo Bhiva Bali, husband of complainant Smt. Sunita Bali was a worker. On the day of incident he slip and resultantly came in the contact with fan, received electrical shock and expired on 14th November, 2011. The complainant lodged FIR as stated above. It is informed in declaration of Smt. Sunita that the accused - petitioner extended all cooperation to get compensation from various government authorities like ESIC, PF, LIC including releasing gratuity benefit and ex-gratia payment of Rs. 2,00,000/- (Rs. Two Lacs only) on humanity ground from M/s. Nadkishore Khanna and Sons. The complainant, accepts, she has from all sources received Rs.5,69,791/- (Rs. Five Lacs Sixty Nine Thousand Seven Hundred Ninety One only) and also getting a monthly pension of Rs.7,800/- (Rs. Seven Thousand Eight Hundred only) under Employees State Insurance Corporation (ESIC). She is inclined to withdraw the case. In the affidavit same contention are canvassed. In the light of above situation, the proceeding vide Cr. No.630 of 2011 in C.C.No. 3948/PS/12 pending on the file of learned 22nd Metropolitan Magistrate Court, Andheri, Mumbai, is quashed and set aside.

4 The applicant to deposit costs of Rs.25,000/- (Rs. Twenty Five Thousand only) with the High Court Legal Services Committee, Bombay up to 8th August, 2013, failure to do the order shall stands terminated. Writ Petition allowed to the extent as above.

(K. U. CHANDIWAL, J.)