

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CRIMINAL APPLICATION NO.2609 OF 2021

BHUSHAN SHRIKANT SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. Taur Mahesh S.
APP for Respondent-State: Mr. K.S. Patil
Advocate for Respondent No.2 : Mr. S.R. Chaware
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 31st MARCH, 2022**

PER COURT:-

1. By consent of the parties, heard finally at admission stage.
2. The applicant is seeking quashing of F.I.R. bearing Crime No. 285 of 2021 registered with Sillegaon police Station, District Aurangabad for the offence punishable under Section 304-A, 279 of I.P.C. and under Section 134 and 177 of Motor Vehicles Act, 1988 on the ground that the parties have arrived at amicable settlement.
3. Learned counsel for the applicant and learned counsel for respondent No.2 complainant, who is son of deceased Suresh Kirtikar, submit that the parties have arrived at amicable settlement. It has been agreed between them that the applicant will pay an amount of Rs.8,00,000/- (Rupees Eight lacs) as compensation for the accidental death of father of respondent No.2. The said amount is

agreed to be paid towards full and final settlement. Deceased Suresh Kirtikar was survived by two sons, one married daughter and widow viz. Ranjana. Initially, amount was so distributed amongst the legal heirs as per the consent and convenience of legal heirs. However, after intervention of this Court the parties have agreed that instead of earlier mode of disbursement of amount, the entire amount will be paid to the widow i.e. Smt. Ranjana Suresh Kirtikar (mother of respondent No.2). In view of final settlement, two sons viz. Rajesh Suresh Kirtikar and Pravain Suresh Kirtikar have refunded an amount of Rs.2,60,000/- by RTGS on 15.3.2022 and the applicant has given a cheque of Rs.6,60,000/- dated 17.3.2022 in the name of Ranjana Suresh Kirtikar. Learned counsel for respondent No.2 submits that an amount of Rs.7,00,000/- (Rupees seven lacs) is deposited and fixed in the FDR in the name of widow Ranjana Suresh Kirtikar for a period of five years. Copy of the said F.D.R. issued by the Bank of India is placed before the Court.

4. We have also heard learned A.P.P. for the respondent State.

5. It appears that the parties have arrived at amiable settlement voluntarily and now applicant has paid an amount of Rs.8,00,000/- (Rupees eight lacs) as compensation amount towards full and final settlement. Furthermore, entire amount has been paid/deposited in the name of widow of deceased viz. Ranjana Suresh Kirtikar. Copy of F.D.R. is now placed before us. It appears from the same that the

amount of Rs.7,00,000/- is kept in F.D.R. with Bank of India in the name of Ranjana widow of Suresh Kirtikar for a period of five years.

6. In view of above, we are inclined to quash the F.I.R. The widow of deceased Suresh Pandurang Kirtikar is entitled for withdrawing quarterly interest on the aforesaid F.D.R. However, she is not permitted to withdraw the amount before expiry of the period of said five years. Hence, we proceed to pass the following order:-

O R D E R

- I. Criminal application is allowed in terms of prayer clause "B".
- II. Criminal application is accordingly disposed of.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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