

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3566 OF 2019

1. Smt. Vaishali Wd/o Rajesh Joshi
Age : 39 years, Occu : Service
2. Nilesh S/o Manohar Tikekar,
Age : 35 years, Occu : Service
3. Nanda W/o Manohar Tikekar,
Age : 61 years, Occu – Household

All R/o- B/60-2, Fortune rash Apartment,
Opposite Hyundai Show room,
Kharadi, Pune.

... APPLICANTS
(Ori. Accused No. 1 to 3)

VERSUS

1. The State of Maharashtra,
For Kopergaon Police Station, Kopergaon,
Tq. Kopergaon, Dist. Ahmednagar
2. Ashok Waman Joshi (Died Thr. Legal heirs)
Vijaya Wd/o Ashok Joshi
Age : 68 years, Occu : Household,
R/o D- 19, Bhairav Nagar, Bhaistan, Navsari,
Near viral Hospital, Bhaistan Udhana,
Surat (Gujrat)

Mr. Amol S. Gandhi, Advocate for the applicants
Mr. K. S. Patil, APP for the respondent/State
Mr. A. D. Shinde, Advocate for respondent No. 2

**CORAM : T. V. NALAWADE &
S.M. GAVHANE, JJ.**

DATED : 11-12-2019

ORAL JUDGMENT (PER T. V. NALAWADE, J.): -

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties for final disposal.
2. Present proceeding is filed for relief of quashing of FIR No.

14/2014 registered with Kopergaon Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code. Relief is claimed for quashing of the proceeding of R.C.C. No. 158/2017, which is filed in this crime.

3. The FIR was given by father-in-law of the present applicant No.1-Smt. Vaishali. In FIR he had made allegations that by suppressing material facts in claim filed under provisions of Motor Vehicle Act amount was withdrawn by the applicant. It is contention that as the parents of the deceased, they were depending on the deceased and this fact was suppressed and entire compensation is withdrawn by the present applicant Smt. Vaishali. The informant is dead.

4. Affidavit of the widow of the informant Smt. Vijaya Joshi is filed. There is also copy of settlement which was arrived between in the parties showing that a part of the compensation will now go to the parents of the deceased and remaining amount will go to the present applicant, widow and the issues of the deceased, as only the widow, issues and parents could have claimed the compensation as the dependents.

5. This Court holds that in view of the settlement, relief needs to be granted to the applicants. In the result, application is allowed.

Rule is granted in terms of prayer clause (B).

6. Rule is made absolute in those terms.

[S.M. GAVHANE, J.]

[T. V. NALAWADE, J.]