

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

WRIT PETITION NO.3828 OF 2018

Ashok Jasvatlal Shah and Ors.

...Petitioners

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Rajendra Shirodkar a/w Mr. Archit Sakhalkar for the Petitioners.

Ms. A. S. Pai, APP for the Respondent No.1/State.

Mr. Rajiv Hingu for Respondent No.2.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 05/03/2019.**

P.C.:

. Parties are jointly requesting for quashing of FIR dated 2/8/2018 which is under section 304 (II) and 308 of IPC.

2. The fact shows that the injured Respondent No.2 and her grand daughter then aged about 2 ½ years were sitting on steps of shop Harkul products. In night when husband of Respondent No.2 had gone to answer nature's call at that time the portion of roof above steps caved and injured respondent No.2 and her grand daughter. Respondent No.2 has therefore become handicapped while her grand daughter subsequently expired.

3. We have perused the papers brought by Investigating Officer which shows that roof was protruding outside the shop area. However none of the petitioners were present at the time of unfortunate incident and they have no acquaintance whatsoever with the injured family.

4. Petitioners in this situation to buy peace have offered to compensate the family of Respondent No.2 reasonably. The husband of Respondent No.2 and the mother of deceased are present. They appear to be from poor family.

5. Learned counsel upon instruction from petitioners submits that amount between Rs.5 Lakhs to Rs. 6 Lakhs should be accepted as reasonable compensation. Learned counsel for Respondent No.2 submits that amount of Rs.6 Lakhs should be accepted.

6. In view of joint request we direct the petitioners to pay to Respondent No.2 by depositing in her bank account amount of Rs. 2 Lakhs. That amount shall be deposited in her bank account and half of it shall be invested in FDI initially for a period of 3 years.

7. Similarly amount of Rs.4 Lakhs shall be deposited in Bank Account of Mrs. Jyoti Nair, the mother of deceased and amount of Rs.3 Lakhs out of it shall be invested in FDI initially for a period of three years.

8. Subject to such payment within 48 hours and as we are satisfied that the petitioners had no intention or knowledge in the matter, we make Rule absolute in terms of prayer clause (A).

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)