

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 5276 OF 2018**

Dr. Prashant Manohar Kewale.

...Petitioner.

Versus

The State of Maharashtra & Another.

..Respondents.

Ms. Anjali Patil for the petitioner.

Mr. Nouman A. Shaikh for respondent no.2.

Mr. J. P. Yagnik, APP for respondent – State.

CORAM : PRASANNA B. VARALE &  
S.M. MODAK, JJ.

**Date : April 22, 2022.**

P. C. :

1. An affidavit is filed in this Court through Rakesh Machindra Pacharare. It was submitted in the affidavit that the petitioner has agreed to compensate an amount of Rs.2 lakh for the better future of the child of deceased and respondent no.2 does not want to proceed with the case against petitioner. Today, learned counsel appearing on behalf of the Petitioner submitted that considering the fact that the child is now of the age of 15 years and he would require some more amount for his future prospects including the educational purposes, etc., and to show *bona fides* and as a goodwill gesture, the petitioner is ready to pay an amount of Rs. 5 lakh to the grandmother of child, i.e., respondent no.3 herein, as an amount for the better future prospects of child.

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2. The grand-mother (respondent no.3) and the child of deceased are also personally present in this court. The *bona fide* offer made by the petitioner is accepted by respondent no.3.

3. The petitioner shall hand over a cheque of an amount of Rs.1 lakh to respondent no.3 and shall deposit an amount of Rs.4 lakh in the bank account of respondent no.3 within the period of four weeks from today. Failing to comply with these directions shall result in automatic recall of the quashing order and necessary consequences will follow. The necessary details of the bank account of respondent no.3 be supplied to the petitioner. Respondent no.3 undertakes to invest the said amount of Rs.4 lakh in the fixed deposit till the child of deceased attains majority. Respondent no.3 is entitled to withdraw the interest earned on the fixed deposit amount from time to time.

4. Learned counsel appearing on behalf of the Petitioner shall place on record the photocopies of cheque and demand drafts within five weeks from today.

5. For the reasons recorded separately, the petition is allowed in terms of prayer clause (ii) of paragraph 6 of petition.

**[S. M. Modak, J.]**

**[Prasanna B. Varale, J.]**