

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 258 OF 2024

Sanjay Jayantilal Darji And Anr	...Applicants
Versus	
State Of Maharashtra And Anr	...Respondents

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Mr.Akshay P Kataria, Advocate for the Petitioner.

Mr.Devang Thakkar Advocate for Respondent No.2/Complainant.

Mr. A. S. Shalgaonkar, APP for the Respondent – State.

PSI N. B. Gaikwad, Shivajinagar Police Station is present.

Mr. Kishor G. Mungekar/complainant is present.

Mr. Siddhant Kishor/son of complainant is present.

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**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 19th APRIL 2024

P.C.:-

1. The petitioners are challenging the FIR dated 16th January 2024 registered with Shivajinagar Police Station, Thane vide C.R. No.35 of 2024 for offence punishable under Section 304 of Indian Penal Code, 1860.

2. The case of the prosecution is that, the victim was the employee with Bunty Food India Pvt. Ltd. On 11th December 2023, while performing her duty, she met with an accident in the company as the conveyer machine was

not switched off while cleaning premises. The *saree* of the victim was entangled with machine which resulted in accidental death. The FIR was lodged by husband of the victim. The applicants were the employees of company where the victim was working. They were Manager and Supervisor.

3. It is submitted that, the Memorandum of Understanding dated 13th February 2024 is executed between applicant No.1 and respondent No.2. In the M.O.U. it is stated that, the company would help respondent No.2 in getting the amount of the employees provident fund and employee State Insurance Company of the deceased. Job was offered to the son of respondent No.2. The complainant has agreed for quashing the FIR.

4. The complainant is present in the Court. He is represented by Advocate. He has filed affidavit stating that, he has no objection for quashing the FIR. Respondent No.2 is present in the Court and stated that compensation on account of death of his wife is received.

5. The applicants were employees of the company. FIR was lodged by husband of the deceased. Considering the facts of this Case and in view of understanding between the parties, FIR can be quashed.

ORDER

(i) Criminal Application No. 258 of 2024 is allowed and disposed off.

(ii) The impugned FIR dated 16th January 2024 registered with Shivajinagar Police Station, Thane vide C.R. No.35 of 2024 is quashed and

set aside.

(iii) The applicant No.1 shall pay costs of Rs.25,000/- and applicant No.2 shall pay cost of Rs.15,000/- to the Respondent No.2 within a period of one week from today.

(iv) List the application for reporting the compliance on 9th May 2024.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)