IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 692 OF 2017

1] Hemant Pratap Vissanji
(Deleted *vide* order dated 06.08.2026)

2] Arati Hemant Vissanji
Adult Indian Inhabitant, Aged 60 years,
R/at. 38, M.V. Bungalow, Near Bina Apartment, Near Vancha Siddhi Ganesh Mandir, M.V. Road, Andheri (E), Mumbai.

.. Applicant

Versus

1] State of Maharashtra
(Through Andheri Police Station)

2] Pandhari Mariappa Bhosale,
Adult Indian Inhabitant,
Aged 63 years, Occupation : Agriculture.

3] Anusaya Pandhari Bhosale,
Adult Indian Inhabitant,
Aged 60 years,
Occupation : Agriculture,
Both R/at. Chinegaon, Taluka – Aurad (B), District : Bidar, Karnataka – 485 443.

.. Respondents

.....

- Mr. Subodh Desai, Senior Advocate a/w. Mr. Rohan Sonawane, Mr. Rishir Daulat, Mr. Mohanish Patkar i/b. M/s. Desai and Desai Associates, Advocate for Applicant.

- Ms. Shilpa G. Talhar, APP for the Respondent No. 1 – State.

- Mr. Suresh Shetye i/b. Ms. Prakruti Joshi, Advocate for Respondent Nos. 2 and 3.

.....

RAJESHRI PRAKASH AHER
Digitally signed by RAJESHRI PRAKASH AHER
Date: 2026.08.13 15:28:13 +0530

CORAM : MILIND N. JADHAV, J.
DATE : AUGUST 11, 2026

P. C.:

1. Heard Mr. Desai, Senior Advocate for the Applicant, Ms. Talhar, learned APP for the Respondent No.1–State and Mr. Shetye, learned Advocate for the Respondent Nos. 2 and 3.

2. This Application is filed for seeking quashing of the criminal proceedings initiated *vide* C.R.No. 598 of 2013, pending before the learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, dated 7th December, 2013.

3. Parties have reconciled the issue and have tendered Minutes of Order. Briefly stated, son of the complainant was working as a Gardener in the bungalow belonging to the Applicant and due to an unfortunate incident, while opening the main gate of the bungalow, the said gate collapsed and caused a fatal injury to the son of the complainant. First Information Report ("FIR", for short) was registered against the Applicants and the Applicants voluntarily surrendered and were released on bail.

4. Pursuant to the date of the incident much water has flown below the bridge, which is evident from the fact that substantial

compensation was given by way as stated in the consent affidavit dated 11th August, 2026 of Rs. 4,50,000/- having been accepted by the complainant at that time.

5. Today, when the matter is placed before the Court, the complainant is present along with his wife, who are parents of the deceased victim. I have personally interacted with them in open Court and made them understand the contents of the affidavit, which was filed through their Advocate Ms. Joshi. After I interacted with Mr. Desai, learned Senior Advocate appearing on behalf of the Applicants, they have shown their humane side by agreeing to hand over a further cheque/Demand Draft dated 6th August, 2026 of Rs. 5,00,000/- in favour of Respondent No. 2, as a further compensatory payment. I need to note over here that when the interaction with Respondent No. 2 -Complainant and his wife took place, he informed the Court that he was studied upto six standard, and what was stated in the affidavit was duly understood by him as to he having accepted and received Rs.4,50,000/- earlier. However, he also persuaded the Court through his Advocate and he also spoke to the Court in Marathi language to consider giving further compensation of upto Rs.2,00,000/- in view of his two daughters, who are of marriageable age. After having interacted with both the parties in the Court, Mr. Desai after taking instructions from the Applicant No.2 present in

Court apprised the Court that even though initially agreed to pay an additional amount of Rs. 2,00,000/-, as requested by the Complainants/parents of the deceased, the Applicants have decided to give a further amount of Rs.5,00,000/-, as compensatory benefit. When this was disclosed to the Respondent No.2 by me in open Court, he understood the same and agreed to accept the said compensation and put a closure to the criminal proceedings. The interaction which took place with Respondent No.2 in the open Court was in Marathi language, which could be clearly understood by him. He is resident of Bidar in Karnataka State and speaks Marathi language fluently. In that view of the matter, the parties were therefore directed by this Court in the morning Session to draw the Minutes of the Order (MoU) and come to the Court in the afternoon session. The parties have placed before the Court Minutes of Order dated 11th August, 2026, which are taken on record and marked, ***"X"*** for identification. The same is signed by both the parties i.e. the Applicant, her Advocate, Respondent Nos. 2 and 3 and their Advocate. The statements made in the same are taken as an undertaking to this Court. The Applicants have given the Demand Draft (DD) of Rs.5,00,000/- to the Respondent No. 2. Copy of the Minutes of Order and the DD/Banker's cheque are scanned and reproduced below for reference of parties.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 692 OF 2017

Hemant P. Vissanji & Anr. ... Applicants (Original Accused)
Versus
State of Maharashtra (through theAndheri Police Station) & Ors. ...Respondents

MINUTES OF THE ORDER

1. The present Application seeks quashing by consent criminal proceedings being C.C. no. PS/0800460/2014 arising out of CR. No. 598/2013 registered with the Andheri Police Station for an offence punishable under Section 304A of the Indian Penal Code. The said impugned proceeding is pending on the file of the Ld. Metropolitan Magistrate, Railway Mobile Court, Andheri.

2. The Respondent No.2 has on July 5, 2017 received an amount of Rs.4,50,000/- from the Applicants which has been acknowledged by the Respondent No. 2 in the Consent Affidavit dated July 11, 2017, Consent Affidavit dated August 6, 2026 and further Consent Affidavit dated August 6, 2026 filed by the Respondent No. 2 in the present proceedings.

3. The Applicant has today, in full and final settlement, handed over a cheque/demand draft dated August 6, 2026 bearing no. 005446 of the amount of Rs.5,00,000/- (Rupees Five Lakhs only) in favour of Respondent No.2 as a further compensatory payment. The Respondent Nos.2 & 3 who are present in the court acknowledge the receipt of the cheque/demand draft in full and final settlement towards compensation for

the accident in which their son viz. Navnath Bhosale died and which resulted in the impugned proceedings. A copy of the cheque/demand draft dated August 6, 2026 bearing no. 005446 of the amount of Rs.5,00,000/- (Rupees Five Lakhs only) is marked as **Annexure 'A'**.

4. The Applicant undertakes that the aforesaid cheque/DD bearing no. 005446 shall be duly honoured upon its presentation by Respondent No.2 to his banker.

5. In view of the Consent Affidavits and the payments aggregating to Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand only) Respondent Nos. 2 and 3 have consented to the quashed / setting aside of the criminal proceedings being CC No. PS/460/2014, pending before Ld. Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai arising out of the FIR No. 598 of 2013.

6. In terms of the above, the Criminal proceedings under Section 304 (a) of the Indian Penal Code initiated vide CR. No. 598 of 2013 pending before Ld. Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai arising out of the FIR No. 598 of 2013 are hereby quashed.

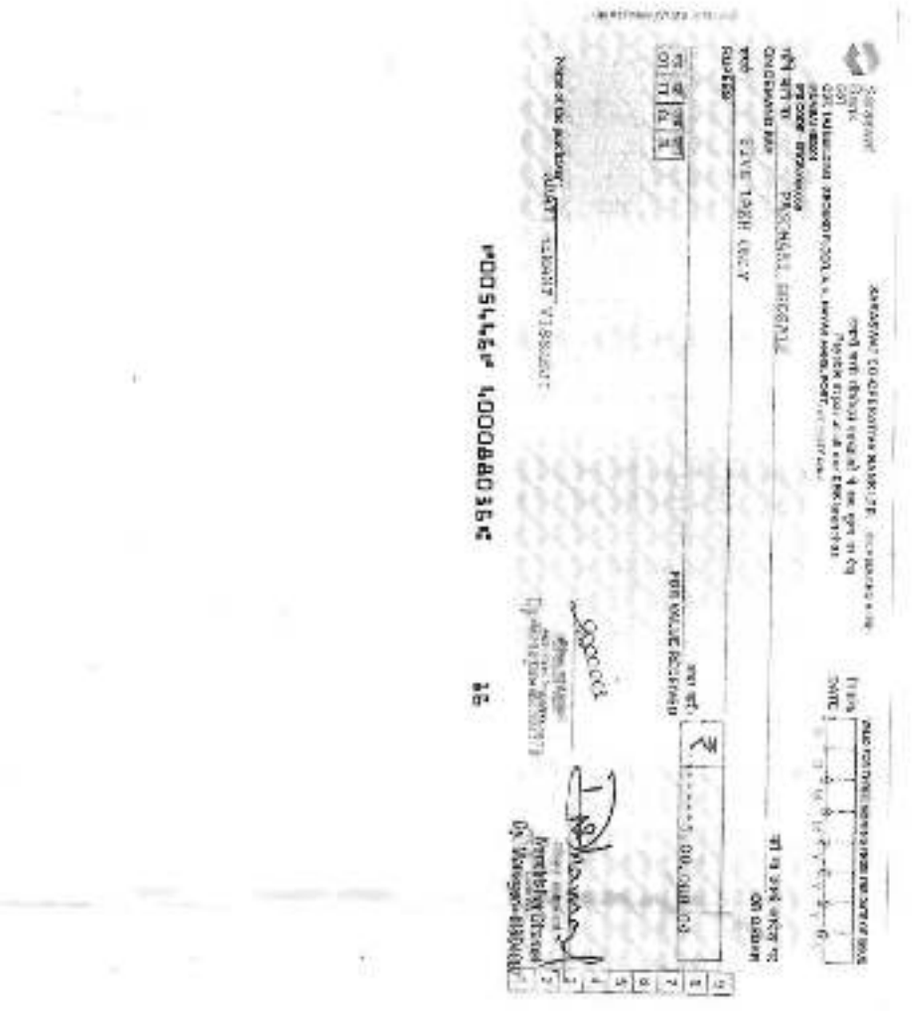
Applicant

Respondent No.2

Respondent No.3 C.H.T.I & Anuraja Nandkumar Bhosale

Advocate for Applicant

Advocate for Respondent Nos.2 and 3



6. Statements made in the Minutes of Order are taken as undertaking given to the Court. The Criminal Application 692 of 2017 is allowed in view of the Minutes of Order in terms of prayer Clause (a), which reads as under:

> *a) This Hon'ble Court be pleased to quash and set aside the Criminal proceedings under Section 304 (a) of the Indian Penal Code initiated vide CR. No. 598 of 2013, pending on the file of the Ld. Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai at CC. NO. 460/PS/2014."*

7. The DD/Bankeer's cheque is handed over to Respondent No.2 through his Advocate Mr. Shetye.

8. Needless to state that the Criminal Proceedings being CC N. PS/08/00460/2014 arising out of C.R. No. 598 of 2013, registered with Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, for offence punishable under Section 304 A of the Indian Penal Code now stand quashed and set aside.

9. Criminal Application No. 692 of 2017 is allowed and disposed of.

Rajeshri Aher

[MILIND N. JADHAV, J.]