

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2706 OF 2014

Milind Yeshwant Narvekar

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Shreeram Shirsat for the Petitioner.

Ms. Priti Kunte for Respondent No.2.

Mr. K.V. Saste, APP, for the Respondent No.1-State.

**CORAM : RANJIT MORE &
M.L. TAHALIYANI, JJ.**

DATE : MARCH 11, 2015.

P.C.

The Petitioner has approached this Court by invoking the jurisdiction of this Court under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of FIR, bearing No. 338 of 2013 registered with Worli Police Station. Said FIR was registered on 26-10-2013 at the instance of Respondent No.2 against the Petitioner for the offences punishable under Sections 304 (A) and 201 of the Indian Penal Code, 1860.

2. The Petitioner is a labour contractor. Son of Respondent No.2 was working with Petitioner as a labour when the incident on

25-10-2013 had occurred. At the time of installation of lift, the son of Respondent No.2 met with an accident at his workshop in Worli. He was immediately taken to hospital but succumbed to the injuries. The Petitioner therefore, was charge-sheeted under Sections 304 (A) and 201 of the IPC.

3. Learned counsel appearing for the respective parties submitted that the Petitioner and the Respondent No.2 settled their disputes amicably and in pursuance of understanding arrived at between them, Petitioner agreed to compensate Respondent No.2 and accordingly paid an amount of Rs.3,75,000/- to him. Earlier also Respondent No.2, who is present in the Court has received Rs.1,00,000/- from the Petitioner (Total Rs.4,75,000/-). The Petitioner has also ensured that the Respondent No.2 will receive Employees Provident Fund dues of his son and monthly pension from Employees State Insurance Corporation. The parties by consent thereafter decided to get the proceedings of said FIR quashed. The Petitioner has, therefore, approached this Court.

4. Respondent No.2 by affidavit dated 11-3-2015 reiterated whatever stated herein above. In para 6 he has given no objection for quashing the FIR No.338 of 2013. On being questioned, he specifically

stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the FIR No.338 of 2013 is quashed and set aside. Respondent No.2 has also stated that he is giving no objection for quashing the said FIR out of free will and volition and without being influenced by anybody.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]** we are of the considered view that there is no impediment in quashing the criminal proceedings.

7. Accordingly, the petition is allowed in terms of prayer clause (A).

[M.L. TAHALIYANI, J.]

[RANJIT MORE, J.]