

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 376 of 2016
[Prashant Ramchandra Vikhe & others Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R.R. Vyas, Adv., for the Applicants.
Mr. Uke, APP for respondent.

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**CORAM : B. R. GAVAI AND
V.M. DESHPANDE, JJ.**

DATE : 20th June, 2016

The Applicant Nos. 1 to 7 have jointly approached this Court for giving an end to the criminal proceedings which are pending before the learned Additional Sessions Judge, Akot, in Sessions Trial No. 11 of 2010.

The Applicant Nos. 1 and 7 are husband and wife. The Applicant Nos. 1 to 6 are facing charges for the offences punishable under Sections 498-A and 307 read with Section 34 of Indian Penal Code.

The prosecution case, in nutshell, is that the Applicant No.1, husband of Applicant No.7, used to ill-treat her. On the date of the incident, the husband as well as other relatives set her on fire, and when she started running, she was pushed into the well.

It is the case of the Applicant Nos. 1 to 6 that the father of Applicant No.7 is in a very poor financial condition. It is stated that on account of the incident, the Applicant No.7 has suffered a permanent disability. It is further stated that the father of Applicant No.7 has agreed that if an amount of Rs.10,00,000/- [rupees ten lakhs only] is deposited in the name of Applicant No.7, he would have no objection to give an end to the criminal proceedings.

No doubt that in view of the Judgment of the Apex Court in the case of **Narinder Singh & others Vs. State of Punjab & another** [(2014) 6 SCC 466], even in the serious cases like an offence under Section 307, Indian Penal Code, this Court would be competent to give an end to the criminal proceedings by invoking powers under Section 482, Criminal Procedure Code.

However, the question, that we are called upon to answer in this case is that as to whether merely because the accused are in a position to pay a hefty sum, can this Court give an end to the criminal proceedings involving a serious offence of putting an innocent woman on fire and then when she was making an attempt to save herself, throwing her into well, and whether it should be pardoned or not? We find that by no stretch of imagination, in the present case, it can be said that there was an element of public law involved.

We are, therefore, of the considered view that if we exercise our inherent powers in such a matter, we would be permitting the applicant nos. 1 to 6 to escape from the course of criminal law and justice; only because they are in a position to make the payment to the victim.

In so far as the generosity on the part of Applicant Nos. 1 to 6 in agreeing to make the payment of Rs. 10,00,000/- is concerned, in the event the learned Trial Judge finds that the Applicant Nos. 1 to 6 are liable for conviction, he would always be in a position to direct compensation to be paid by the accused, in addition to the compensation as provided under the Maharashtra Victim Compensation Scheme, 2014.

Needless to state that Registrar [Judicial] is directed to forward a copy of this order to the learned Trial Judge. We are sure that if the learned Trial Judge comes to the conclusion that the present applicant nos. 1 to 6 are guilty of the offence, he would certainly take into consideration the generous offer that was made before this Court, while determining the amount of compensation.

In the result, the application is dismissed.

Judge

Judge

