

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.304 OF 2021

APPLICANT : Sudhir S/o Ramgopal Mishra,
Aged about 32 years, Occ- Service,
R/o. Vivekanand Ward, Ballarpur,
District – Chandrapur.

..VERSUS..

NON-APPLICANT : 1 State of Maharashtra, Through
Police Station Balharshah, District –
Chandrapur.

2 Vasant S/o Ramaji Maulikar,
Aged about 62 Years, Occ-
Agriculturist, R/o. Navi Daheli,
Balharshah, District – Chandrapur.

Mr A. M. Sharma, Advocate for Applicant.
Mr V. A. Thakare, APP for Non-Applicant No.1/State.
Mr Amol Mardikar, Advocate for Non-Applicant No.2.

CORAM : **VINAY JOSHI AND VALMIKI SA MENEZES, JJ.**

DATE : **25th JULY, 2023.**

ORAL JUDGMENT : **(PER : VINAY JOSHI, J.)**

. Heard.

2. By consent of the learned Counsel appearing for
the parties, this Criminal Application is taken up for final
hearing.

Admit.

3. This is an application seeking to quash the First Information Report (FIR) as well as charge-sheet relating to Crime No.689 of 2020, registered with Balharshah Police Station, District Chandrapur, for the offence punishable under Sections 304-A and 338 of the Indian Penal Code, 1860, on account of mutual settlement.

4. At the instance of report lodged by informant – Vasanta Maulikar (father of deceased), a crime has been registered against present applicant. Informant's son namely Vishal was serving as a Fitter in Bamni Proteins Limited, Dudholi Bamni, District Chandrapur. On 30.10.2020, an untoward incident happened in the factory. Due to leakage of gas, informant's son Vishal died, whilst three other employees namely Shailesh Gawande, Bandu Nivalkar and Ajay Kotamwar sustained injuries. In the circumstances, informant has lodged a report alleging that the applicant, who is In-charge of the factory, has caused

death due to his rash and negligent act.

5. Post incident, the Company has adequately compensated the family members of deceased Vishal. Total sum of Rs.29,00,000/- has been paid to the family members of Vishal including widow of Vishal namely Priti. The Company has borne all the medical expenses of three other injured employees. In view of that the matter was settled in between the family of deceased, as they received compensation.

6. Today, the informant Vasanta, widow of deceased namely Priti and three injured employees namely Shailesh Gawande, Bandu Nivalkar and Ajay Kotamwar are present in the Court. All of them have been identified by learned Advocate Mr Mardikar appearing for informant. They have filed an affidavit stating about the settlement, receipt of compensation to the family members of deceased and their no objection to quash the FIR.

7. We have also ascertained this fact from all above persons, who have agreed about the settlement and their no objection to quash the FIR. Three injured persons have also stated that still they are serving in the Company, their expenses have been borne by the Company and they have no objection for quashing the FIR.

8. Besides that the applicant Sudhir Ramgopal Mishra, who is Assistant Manager and Satish Mishra, Head of H. R. Department of a Company, makes a statement on behalf of a Company that the Company would provide a job to brother of deceased namely Vilas Vasanta Maulikar as a Fitter - Helper, which is a semi skilled job.

9. The occurrence is purely an accident. Already, the Authorities of a Company have adequately compensated the family of deceased as well as borne the medical expenses of three injured employees. The matter is settled, and therefore, there is no purpose in continuing the criminal prosecution.

10. In view of the above, we deem it appropriate to invoke our inherent jurisdiction, hence, the following order.

ORDER

- i) The criminal application is **allowed**.
- ii) We hereby quash and set aside the FIR in Crime No.689 of 2020, registered with Balharshah Police Station, District Chandrapur, for the offence punishable under Sections 304-A and 338 of the IPC.

11. The criminal application is disposed of accordingly.

(VALMIKI SA MENEZES, J.) (VINAY JOSHI, J.)