

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

CRIMINAL APPLICATION NO.996 OF 2023

1. Pratik Sheshrao Raut, Age 28 years, Occ.
Agriculturist, R/o Ward No. 4,
Khaparkheda, Tah. Saoner, Dist. Nagpur.
Mob No.956106640
2. Sagar Krishnaji Pokale, Age – 27 years,
Occ. Labour Work, R/o Murlidhar
Temple, Ward No. 12, Tah. Saoner, Dist.
Nagpur. Mob No. 8007266318
3. Mangesh Purushottam Rawale, Age : 31
years, Occ. Agriculturist, R/o 152, Maa
Bhagwati Nagar, Chikhali Layout,
Manewada, Ring Road, Dist. Nagpur.
Mob No. 8329699258
4. Nitin Prabhakar Ingle, Age 39 years,
Occ. Agriculturist, R/o Flat No. 203, Jijai
Architect Near Nagar Parishad,
Kalmeshwar Tah. Kalmeshwar Dist.
Nagpur. Mob. No. 8010633108

... APPLICANTS.

VERSUS

1. State of Maharashtra, through
its P.S.O. Police Station Kondhali,
Tah. Katol, Dist. Nagpur.
2. Bhagyashree Ganesh Dhuwadhapar,
Age : 33 years, Occu. Housewife, R/o
Salai Mokasa, Post. Kothalun, Tah.

Parshivani, dist. Nagpur.

... NON-APPLICANTS.

Shri N.B. Bargat, Advocate for the applicants.
Shri Rode, A.P.P. for the non-applicant/State.
Shri J.K. Matale, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 03.08.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

2. This is an application seeking to quash the First Information Report in Crime No.557 of 2023 registered with the Kondhali Police Station Nagpur Rural for the offence punishable under Section 304 read with 34 of the Indian Penal Code, on account of settlement.

3. The informant's husband was an Electrician. He was employed by applicant no.1 for doing electrical work through applicant no.2 in the field owned by applicant nos.3 and 4. While doing electric work, the husband of the informant died due to electric shock hence she lodged the report against the applicants for causing death due to

rash and negligent act.

4. In the meantime, the parties have worked out the matter. The applicants have agreed to pay total sum of Rs.6,50,000/- towards compensation to the informant. Out of agreed sum, they have paid Rs.4,25,000/- till date and post dated cheque of Rs.2,25,000/- was handed over to her. Since the informant has received agreed consideration, she has settled the matter and gave her no objection to quash the proceedings. An additional affidavit about the terms of settlement has been filed on the record. The informant lady is present before the Court and identified by her learned Counsel Shri J.K. Matale. On our query, she has stated about the receipt of money as per the additional affidavit and her no objection to quash the proceedings.

5. The nature of crime is based on the rash and negligent act. It cannot be termed as heinous or antisocial. Already the applicants have adequately compensated to the informant lady. Having regard to these facts, the ends of justice can be secured by quashing the FIR, hence the following order :

(a) The application is allowed.

(b) We hereby quash and set aside the First Information Report

vide Crime No.557 of 2023 registered with the Kondhali Police Station Nagpur Rural for the offence punishable under Section 304 read with 34 of the Indian Penal Code.

6. The application stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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