



Judgment

921 APL 1681.23

1

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

CRIMINAL APPLICATION (APL) NO. 1681/2023

Shri Manoj Purshottam Parteki,
Age 38 yrs., Occ. Service,
R/o. Plot No.19, Rajiv Nagar,
Navin Bidipth, Nagpur.

.... **APPLICANT**

VERSUS

1. The State of Maharashtra,
through P.S. Pratap Nagar,
Nagpur.
2. Sau. Madhvi V. Deshpande,
Age-54 yrs., Occ. Homemaker,
R/o. Flat No.103, Vignaharta
Apartment, Hingana T. Point,
Takli Sim, Nagpur.

... **NON-APPLICANTS**

Mr. N.S. Jadhao, Advocate for applicant.
Mrs. S. Kolhe, Addl, Public Prosecutor ('APP') for non-applicant
No.1/State
Mrs. S. S. Jachak, APP for non-applicant No.2.

CORAM : VINAY JOSHI AND
M. W. CHANDWANI, JJ.

DATE : 19.12.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

2

Heard.

2. Admit.

3. This is an application seeking to quash charge-sheet arising out of Crime No. 541/2014 registered with Police Station Pratap Nagar, Nagpur for the offence punishable under Sections 279, 337, 338 of the Indian Penal Code on account of settlement.

4. On 07.12.2014 in the late evening, informant lady along with her husband were returning to their house on foot. When they came near the place of occurrence, the accused came in high speed by riding on motorcycle and gave forceful dash from backside to the informant's husband causing him serious injury. The informant's husband was admitted to the hospital and then she has lodged report.

5. The Police have completed investigation and filed charge-sheet. The Trial Court has framed charge and examined two witnesses. In the meantime, the parties arrived on settlement. The applicant (accused) has paid medical expenses of the injured. Since

3

the occurrence was unintentional, the informant and her husband agreed to settle the matter as the expenses have been born by the applicant. The applicant and informant have filed joint affidavit stating about the settlement and there no objection to quash the proceeding. Both are present before us who are identified by their Advocates. They would submit that they are not inclined to go on with the prosecution.

6. The applicant is working in the Police Department. It is submitted that it is a case of pure accident, meaning thereby there was total absence of mens rea. Continuation of the prosecution may attract disqualification of applicant after conviction, if any. The applicant has paid medical expenses tuning to Rs. 1,00,000/- to the informant.

7. The trial has already been commenced, in which evidence of two witnesses has been recorded. The stage of trial equally carries importance while entertaining an application for quashing. The power vested with this Court under Section 482 of the Code of Criminal Procedure is uncontrolled which can be exercised at any

4

stage in befitting cases. The alleged offence cannot be termed as heinous or anti-social. Already, the injured has been adequately reimbursed, however, we have pointed to the applicant that unnecessarily the Police and the Courts spent time in entertaining the matter. At this stage, the learned counsel appearing for the applicant, upon instruction would submit that the applicant would deposit Rs. 25,000/- towards cost.

8. Having regard to the nature of occurrence, monetary settlement and non-inclination of the informant and injured, continuation of prosecution amounts to abuse of the process of the Court, particularly, the offence is outcome of a road accident.

9. In view of above, we deem it appropriate to invoke our inherent jurisdiction to secure the ends of justice. Hence, application is allowed. We hereby quash and set aside criminal prosecution bearing SCC No. 309856/2015 pending on the file of Judicial Magistrate First Class, Nagpur arising out of Crime No. 541/2014 registered with Police Station Pratap Nagar, Nagpur for the offence punishable under Sections 279, 337, 338 of the Indian Penal Code on

account of settlement.

10. The applicant shall deposit Rs. 25,000/- with the High Court Bar Association, Nagpur within a period of four weeks from today.

11. The matter be place for noting compliance on 18.01.2024.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)