



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

CRIMINAL APPLICATION NO.12 OF 2024

1. Sharad s/o Madhaorao Dafle, aged about 55 years, Occ. Service, R/o Flat No. 201, AVN Tower, Manewada Cement Road, Opp. Union Bank, Jawahar Nagar, Ayodhya Nagar, Nagpur.
2. Chuneswar s/o Shankarji Lute, Aged about 43 years, Occ : Service, R/o Plot No.96/97, Umred Road, Shree Sai Nagar, Bahadura, Nagpur.
3. Anil S/o Manikraoji Likhari, Aged about 38 years, Occ: Service, R/o Plot No. 134, Vinobha Bhawe Nagar, HB Nagar, Uppalwadi, Nagpur.
4. Nehru Gandhi s/o Subramanyam, Aged about 40 years, Occ. : Service, R/o 1 Periyar Street, Nallagoundenpalaya, Erode, Tamil Nadu.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station, Deoli, Wardha.
2. Ashish s/o Shalikramji Makode, Aged about 43 years, Occ : Service, R/o New State Bank Colony, Priyadarshani Colony, Wardha.

... NON-APPLICANT.

Shri D.V. Chauhan, Advocate for the applicants.
Shri Badar, Addl. Public Prosecutor for the State.
Shri C.J. Dhruv, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 13.02.2024.

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

Heard. **ADMIT.**

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

3. By this application, the applicants who are the employees of the M/s Maharashtra Vidyut Nigam Private Limited seek to quash the First Information Report in Crime No.1205 of 2023 registered with the Deoli Police Station, District Wardha for the offence punishable under Sections 304 read with Section 34 of the Indian Penal Code, on account of settlement.

4. Facts in brief are that informant's brother namely Dinesh was serving with the Company as a Fitter. On 23.11.2023, around 2.00

p.m., while he was working in the Company, the machine started functioning due to abrupt passing of electric current. Dinesh (deceased) was entangled in the machine and died due to the injuries. One another worker namely Vikki also sustained minor injuries and therefore, the report.

5. The prosecution alleges that the act of the applicant travels beyond mere negligent. The applicants have knowledge that their act may result into causing death hence the crime has been registered for the offence punishable under Sections 304 read with Section 34 of the Indian Penal Code. The employer company arrived on the amicable settlement with the legal heirs of the deceased Dinesh. The settlement memo dated 24.12.2023 has been filed on the record. The settlement was in between the company and all legal heirs of the deceased. The employer has paid total sum of Rs.14 lakhs to the legal heirs of the deceased towards settlement. In view of the settlement, the informant has filed a reply-cum-affidavit stating about the settlement and no objection to quash the proceedings. Widow Sarika had also filed an affidavit to that extent. Injured Vikki tendered on record an affidavit confirming that he has no grievance against the company.

6. The informant Ashish Makode, widow Sarika and injured Vikki Telrandhe are personally present before the Court, who have clearly stated that they have no objection to quash the proceedings. Inherent powers of the Court are wide enough which shall be utilized for prevention of abuse the process of the Court or to secure the ends of justice. Though learned Addl.PP pointed out that the statement of the victim under Section 164 of the Code of Criminal Procedure has been recorded however by the time the heirs of the deceased have been adequately compensated.

7. Having regard to the nature of occurrence, it cannot be said that there was adequate *mens rea* on the part of the applicants behind the occurrence. Rather it is evident that due to negligent attitude of the employees of the company, unfortunate incident occurred. Certainly the occurrence cannot be termed as heinous or anti social. The legal heirs have already received the agreed sum and they have no grievance. In the circumstance, continuation of prosecution amounts to abuse the process of the court. The learned Counsel for the applicant would submit that the applicants are ready to deposit sum of Rs.25,000/- towards costs.

8. Having regard to the above peculiar facts, we are inclined to exercise our inherent powers, hence the application is allowed. We hereby quash and set aside the First Information Report in Crime No.1205 of 2023 registered with the Deoli Police Station, District Wardha for the offence punishable under Sections 304 read with Section 34 of the Indian Penal Code.

9. The applicant shall deposit sum of Rs.25,000/- to the Government Pleader's Library, High Court, Nagpur within two weeks from today.

10. Stand over to 28.02.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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