



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

CRIMINAL APPLICATION (APL) NO.436/2024

Mr. Amol S/o Babarao Raut,
aged 41 Yrs., Occ. Private,
R/o Pandharkawda, Yavatmal.

... Applicant

- Versus -

1. State of Maharashtra,
through Police Station Officer,
Police Station Kalamb,
Dist. Yavatmal.

2. Smt. Durga Wd/o Pramod Thakare,
aged about 46 Yrs., Occ. Nil,
R/o Village Nanza, Tahsil Kalamb,
Dist. Yavatmal.

... Non-applicants

Mr. R. R. Vyas, Counsel for the Applicant.
Ms. Mrunal Naik, A.P.P. Non-applicant No.1.
Mr. Aniruddha Ananthakrishnan, Counsel for Non-applicant
No.2.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 28.3.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. This is an application seeking to quash chargesheet (Sessions Case No.56/2021) arising out of First Information Report in Crime No.0347/2020 registered with the Police Station Kalamb, District Yavatmal for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code on account of settlement.

3. It is prosecution's case that deceased Pramod Thakare was serving as a Superintendent in the boys hostel run by co-accused. Pramod committed suicide on 9.4.2019 on account of alleged continuous harassment meted out by the President of charitable trust as well as by applicant who was a Cook in the trust. Deceased has left behind suicide note wherein he stated that he was suffering mental harassment from last few months which resulted in the taking extreme step. At the instance of report lodged by the wife of deceased crime has been registered. After completion of investigation chargesheet has been filed.

4. The principal allegations are against co-accused President of trust namely Uday Nawlekar and trustee Rajendra Tongo. They made several attempts to get off the proceedings by filing discharge application and applying to this Court but they could not succeed. Finally the matter was amicably settled out of Court in between both co-accused and all the legal heirs of deceased including informant. On the basis of terms of settlement legal heirs of deceased have filed an affidavit in A.P.L. No.1683/2023 which was filed by co-accused Rajendra Tongo for quashing on account of settlement. Having regard to the said development it was found that there was no purpose in continuing the prosecution against co-accused Tongo. This Court has also taken a note that the accused have substantially compensated the family of deceased. Having regard to said fact this Court has quashed the chargesheet against co-accused Rajendra Tongo vide order dated 12.3.2024.

5. In the above background the informant appearing through Counsel reiterated that the matter is settled and she do

not want to prosecute against the present applicant also. Non-applicant No.2 has filed a pursis stating about settlement and pointing to this Court that in connected petition she has already given no objection to quash the proceedings against the present applicant too.

6. It reveals that the applicant was a mere Cook and the principal allegations were against co-accused. Anyhow the matter is settled in between the parties hence continuation of trial would be an exercise in futility. The applicant expressed willingness to deposit Rs.10,000/- towards costs.

7. In view of above, the application is allowed.

We hereby quash and set aside the criminal prosecution being Sessions Case No.56/2021 arising out of First Information Report in Crime No.0347/2020 registered with the Police Station Kalamb, District Yavatmal for the offence punishable under Section 306 read with Section 34 of the Indian

Penal Code against the applicant Amol Raut (present applicant) only.

8. The applicant Amol Raut shall deposit a sum of Rs.10,000/- with the High Court Bar Association, Nagpur within two weeks from today.

9. The matter be placed on 12.4.2024 for noting compliance.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)