



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

CRIMINAL APPLICATION (APL) NO. 437 OF 2024

(Raju s/o Balaji Chhannawar and others ..vs.. State of Maharashtra, through PSO, PS Hudkeshwar,
Nagpur and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.V. Band, Counsel for the petitioners,
Mr. N. Joshi, Addl.P.P. for non-applicant No.1/State,
Ms. Kirti Deshpande, Counsel for non-applicant No.3.

**CORAM : VINAY JOSHI &
ABHAY J. MANTRI, JJ.**

DATE : 23-10-2024

Heard.

2. This is an application seeking to quash First Information Report in Crime No.967/2023 registered with Hudkeshwar Police Station, Nagpur City for offence punishable under Section 304 Part-II of the Indian Penal Code, 1860, on account of settlement. Deceased Dinesh was construction labour. On the date of occurrence, he was doing labour work on 8th floor in the under construction building. The applicants are Directors of the developers who were in-charge of the construction. While doing labour work, by loss of balance, Dinesh fell from 8th Floor and died. The police have enquired with all the legal heirs of deceased, but they declined to come forward to lodge report. Facing non co-operation from the legal heirs, Police Sub-Inspector has lodged report on behalf of the State.

3. It was alleged that the builder has not provided safety measures to the labours and thus his knowledge can be construed that by such act death may be caused. Due to intervention of some middlemen, the matter has been settled in between the applicants and legal heirs of deceased Dinesh. The applicants have agreed and paid sum of Rs.5,00,000/- (Rupees Five Lakhs) by cheque to the widow. On account of settlement, respondent No.3 i.e. widow has filed reply stating settlement, receipt of sum of Rs.5,00,000/- (Rupees Five Lakhs) and her no objection to quash the proceedings. Deceased Dinesh left behind widow, son Vedant, daughter Saloni and mother Kamal. Today widow and son Vedant are present before us who stated about settlement and no objection. Widow has stated that her daughter Saloni has also no objection to quash the proceedings. It is informed that mother Kamal was not staying with the family since last fifteen years and thus she has no interest. Moreover, it is revealed from the First Information Report itself that when police enquired, mother Kamal showed no interest in coming forward to lodge report. As mother was not staying with deceased nor dependents, the affected party would be widow and her two children. The applicants have already compensated them. Since the matter has been settled, there is no purpose in continuing the prosecution.

4. The applicants' learned Counsel made a statement that the applicants would deposit sum of Rs.50,000/- (Rupees Fifty Thousand) towards costs in rotating police machinery.

It reveals that a labour fall down while working, resulting into death. There was no intention on the part of the informant but it is a matter of negligence. The offence cannot be termed as heinous or antisocial in nature. Since the matter is settled, continuation of prosecution amounts to abuse of process of the court.

5. In view of above, the application is allowed. We hereby quash and set aside the First Information Report in Crime No.967/2023 registered with Hudkeshwar Police Station, Nagpur City for offence punishable under Section 304(2) of the Indian Penal Code, 1860.

The applicants shall deposit sum of Rs.50,000/- (Rupees Fifty Thousand) to the High Court Bar Library, Nagpur within one week.

6. Stand over on 11-11-2024 for reporting compliance.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)

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