



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

CRIMINAL APPLICATION [APL] NO.536 OF 2024

[Manoj s/o Chandrakant Virkhare .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri S.R. Kadam, Advocate for Applicant,
Shri M.K. Pathan, APP for Non-Applicant No.1 -State.
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CORAM : ANIL S. KILOR AND
MRS. VRUSHALI V. JOSHI, JJ.
DATE : 16th AUGUST, 2024.

Heard.

2. This application is filed to quash and set aside Chargesheet No.39/2014, dated 24/03/2014 for the offences punishable under Section 336 of the Indian Penal Code, 1860 and Rule 23 of the Aircraft Rules, 1937. The chargesheet is pending before the learned Judicial Magistrate, First Class, Motor Vehicle Court, Nagpur.

3. The applicant was a passenger on Indigo Flight No.6E-137. After the flight took off, the applicant started shouting at other passengers and also broke the window shade panel. Thereafter, the complaint was lodged against the applicant.

4. The respondent no.2 is the complainant, who is in employment with Indigo Airlines.

5. The learned counsel for the applicant has pointed out that the matter has been settled with the Indigo Airlines and as such, the respondent no.2 has no grievance against the applicant.

It is further pointed out that in view of the settlement the applicant has paid Rs.70,000/- towards compensation. In the circumstances, the applicant is praying for quashing of the Chargesheet No.39/2014, dated 24/03/2014.

6. Having gone through the record, it is evident that the offence was registered under Section 336 of the Indian Penal Code and under Section 23 of the Aircraft Rules, 1937. Section 336 of the Indian Penal Code is not compoundable. However, it is a settled law that Section 320 of the Code of Criminal Procedure would not be a bar to exercise the power of quashing, considering the scope of inherent power of quashing under Section 482 of the Code of Criminal Procedure.

7. In the matter at hand, since the parties have settled the matter, there is no reasonable likelihood of the accused being convicted of the offence. What would happen to the trial of the case where the complainant has settled the matter and does not support the imputations made in the First Information Officer. Therefore, the full exercise would be futile, if the trial is permitted to be conducted.

8. In the circumstances, we are of the opinion that the application needs to be allowed. Hence, we pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The Chargesheet No.39/2014, dated 24/03/2014 is hereby quashed and set aside. However, considering the fact that the criminal law was set in motion by the parties and, thereafter, the matter was settled, we are of the

opinion that such quashing of the Chargesheet shall be subject to payment of Rs.25,000/- (Rs. Twenty Five Thousand only) to be paid by the applicant to the Vidarbha Lady Lawyers' Association, Nagpur, within a period of four weeks from today.

9. Accordingly the application is disposed of.

10. Place the matter on **13.09.2024** for reporting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)