



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

CRIMINAL APPLICATION (APL) NO.721/2024

1. Sakshi D/o Anil Giradkar,
aged about 26 Yrs., Occ. Student.
2. Shubham S/o Anil Giradkar,
aged about 28 Yrs., Occ. Business.
3. Pooja W/o Shubham Giradkar,
aged about 37 Yrs., Occ. Private.
All R/o Itwaripeth, Sarafa Line,
Umred, Distt. Nagpur.
4. Sangeeta D/o Mahadeo Pandey,
aged about 52 Yrs., Occ. Housewife.

Sr. No.1 to 4 R/o New Babulkheda,
Nagpur.

... Applicants

- Versus -

1. State of Maharashtra,
through Police Station Officer,
Dhantoli, Nagpur.
2. Vijay s/o Chhotelal Binkar,
aged about 56 Yrs., Occ. Private,
R/o 57, Mhada Colony, 8th Mile,
Dawalameti, Nagpur 440 023.

... Non-applicants

Mr. S.P. Sonwane, Counsel for the Applicants.
Mr. S.V. Narale, A.P.P. for Non-applicant No.1.
Ms. S. Thakur, Counsel for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 7.5.2024.

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 (R.C.C. No.4382/2023) arising out of Crime No.0085/2023 registered by non-applicant No.1 for the offence punishable under Sections 304, 323 and 504 read with Section 34 of Indian Penal Code.

3. An unpredicted incident occurred requiring the brother-in-law (sister's husband) of the deceased to lodge report. Initially police have registered offence punishable under Section 304-A of Indian Penal Code, however, later on chargesheet has been filed for the offence punishable under Section 304 of Indian Penal Code.

4. The prosecution case is that on 30.3.2023 around 6 p.m. all the villagers had been gathered to see the village procession. There was a huge gathering in which there was a quarrel on account of giving push. In said commotion the deceased was pushed by which she lost balance and fell from the basement's staircase resulting into her death.

5. Later on the informant and legal heirs of deceased realized that the incident was purely an accident which unfortunately took life of Santoshi. The matter has been amicably settled. The informant as well as the legal heirs i.e. husband and children of the deceased have filed affidavit stating about settlement and their no objection to quash the proceedings. Since Santoshi died applicants had expressed their willingness to pay Rs.4,00,000/- to the family of deceased towards *ex gratia* compensation which the other side has accepted. Informant and other three appeared before this Court stating about the settlement and their no objection to quash the proceedings.

Today applicants have handed over a demand draft of Rs.4,00,000/- in the name of husband of deceased which he accepted. Informant as well as husband of deceased are today present. They have stated about settlement and their no objection to quash the proceedings.

6. This Court is invested with inherent powers to do the complete justice. Of course, powers does not have limitation except self-imposed. The incident as emerges from police papers appears to be a pure accident wherein at the time of procession there was pushing by people to each other in which the lady fell from the staircase and died. The parties were not knowing each other nor there was any intention on the part of the applicants. The offence cannot be termed as heinous or anti-social. In the circumstances, continuation of prosecution would be an exercise in futility. The learned Counsel for the applicants expressed desire to deposit costs of Rs.10,000/ towards costs.

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

We hereby quash and set aside the chargesheet (R.C.C. No.4382/2023) arising out of Crime No.0085/2023 registered by non-applicant No.1 for the offence punishable under Sections 304, 323 and 504 read with Section 34 of Indian Penal Code.

The applicants shall deposit costs of Rs.10,000/- with the Library of High Court Bar Association, Nagpur within two weeks from today.

Stand over to 11.6.2024 for noting compliance.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)