



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

CRIMINAL APPLICATION (APL) NO. 806 OF 2021

Shatrughan Vitthalrao Vighe
 Aged about 40 years, Occ. Contractor,
 R/o. Parvatinagar, Amravati,
 District – Amravati.

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... Applicant

Versus

1. State of Maharashtra,
 Through Police Station Officer,
 Police Station Rajapeth,
 District – Amravati.
2. Satish Gokul Raichand,
 Aged about 50 years,
 R/o. Kishor Nagar, Frezarpura,
 Amravati, District – Amravati.

}

... Non-applicants

Mr. Rahul J. Shinde, Advocate for applicant.

Mr. M.K. Pathan, APP for non-applicant No.1/State.

Mr. Pawan P. Sarise, Advocate for deceased wife.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.
DATE : 24.01.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of both the learned counsel
 for the parties.

(2) Admit.

(3) This is an application seeking to quash FIR in Crime No.895/2021 registered with Rajapeth Police Station, District – Amravati City, for the offences punishable under Sections 304-A read with Section 34 of the Indian Penal Code on account of settlement.

(4) The applicant was a Contractor whilst co-accused Nitin Deshmukh was owner of Hotel. It is alleged that both of them have asked deceased-welder to do welding work on the fifth floor in dangerous condition. They did not provide safety measures for the deceased while doing the said work. At the instance of the applicant and co-accused, the deceased while working in dangerous condition fell and died, therefore, the police filed the report.

(5) By intervention of this Court through investigation proceeded, however, charge-sheet has not been filed. Learned APP would submit that the investigation is complete and charge-sheet is ready. In the meantime, the applicant and wife of the deceased have settled the matter out of Court. The applicant has paid sum of Rs.4,00,000/- (Rs. Four Lakhs Only) to the widow towards full and final compensation. The widow can be well termed as a victim/aggrieved party who has accepted a sum of Rs.4,00,000/- and

gave her no objection. The joint compromise pursis to that effect has been filed. Today, widow (victim) namely Pratibha Sunil Walunke is present before Court and has been identified by her counsel Mr. Pawan Sarise. On our query, victim stated about settlement, filing of compromise memo, receipt of Rs.4,00,000/- and her no objection to quash the proceeding.

(6) It is a case of causing death by rash and negligent act. Apparently, the allegation itself discloses that there is a total absence of *mens rea*. The applicant has adequately compensated the widow. The offence cannot be termed as heinous or against the society. Having regard to the settlement, continuation of prosecution would yield nothing. Since the investigation is complete and police machinery was rotated the applicant has expressed his willingness to pay the cost of Rs.20,000/-.

(7) In view of above, by invoking our inherent powers, we hereby allow the application and quash FIR in Crime No. 895/2021 registered with Rajapeth Police Station, District – Amravati City, for the offences punishable under Sections 304-A read with Section 34 of the Indian Penal Code as against applicant - Shatrughan

Vitthalrao Vighe only.

(8) The applicant shall deposit sum of Rs.20,000/- with the office of the Government Pleader Library, High Court, Nagpur, within two weeks from today.

(9) The matter be placed on **02.02.2024** for noting the compliance.

(10) Investigation Officer is at liberty to file charge-sheet against co-accused.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity