



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

CRIMINAL APPLICATION NO. 1261 OF 2024.

Dr.[Mrs] Sharda Anand Kate,
Aged 61 years, Occupation – Medical
Practitioner, Kate Maternity and
Nursing Home, 2nd Floor, Nanaji
Shastri Marg, Near Batukbhai Jewellers
Dharampeth, Nagpur 440012.

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APPLICANT.

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Police Station Sitabuldi,
Nagpur City, Variety Square,
Sitabuldi, Nagpur.

2.The Dharampeth Mahila Multi
State Cooperative Society, Nagpur
through its Chief Officer, Legal
Department, First Floor, Nanaji
Shastri Marg, Near Batukbhai Jewellers
Dharampeth, Nagpur 440012.

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NON-APPLICANTS.

Mr. B.G. Kulkarni, Advocate for the Applicant.
Ms M.H. Deshmukh, A.P.P. for Non-applicant No.1 - State.
Mr. H. Dangre, Advocate for Non-applicant No.2.

**CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.**

DATE : SEPTEMBER 23, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Admit. By consent of the learned Counsel for the parties,
the matters are taken up for final disposal.

2. This is an application seeking to quash the criminal prosecution bearing Summary Criminal Case No.25115/2018 pending on the file of 2nd Judicial Magistrate, First Class, Nagpur arising out of first information report bearing Crime No.62/201823 registered with Sitabuldi Police Station, Nagpur for the offence punishable under Sections 336, 270 and 427 of the Indian Penal Code, on account of settlement.

3. The informant is working as a Legal Manager with

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Dharampeth Mahila Multi State Cooperative Society, Nagpur. The society is situated on first floor, whilst on the upper floor the applicant is running a Maternity and Nursing Home. It was noticed that for non-maintenance and negligent act of the applicant, there was water seepage from the drainage line on the first floor, which was vulnerable to spread infectious disease and pose danger to the inhabitants of first floor. On 14.02.2018, in the evening due to seepage, back portion of the ceiling fell down, however, fortunately no one was injured. Since the safety of the employees of the society was at risk, the informant in the capacity of head of the legal department has lodged the report. The police have investigated the matter and on completion, filed charge sheet. It is informed that yet evidence has not been recorded.

4. In the meantime, parties have amicably settled the dispute. The parties have filed a joint Pursis to that effect. The informant has also tendered an authority letter of the Vice President of the Cooperative Society authorizing her to appear and settle the matter before this Court. The informant is present before us and is identified by her Advocate. She has informed about the settlement and gave no

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objection to quash the prosecution. She has also stated that since the situation has been remedied by the applicant, and to further the cordial relations, matter has been settled.

5. The learned counsel for the applicant would submit that the applicant is ready and willing to deposit an amount of Rs.15,000/- towards costs for rotating the police machinery.

6. Having regard to the nature of accusation and the parties occupying the premises in the same tenement, we deem it appropriate to invoke our inherent jurisdiction. In view of above, we proceed to pass the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The criminal prosecution bearing Summary Criminal Case No.25115/2018 pending on the file of 2nd Judicial Magistrate, First Class, Nagpur arising out of first information report bearing Crime No.62/201823

registered with Sitabuldi Police Station, Nagpur for the offence punishable under Sections 336, 270 and 427 of the Indian Penal Code is quashed and set aside.

- (iii) The applicant shall deposit an amount of Rs.15,000/- with the Library, High Court Bar Association, Nagpur, within a period of one week. The matter be listed for reporting compliance on 01.10.2024.

JUDGE

JUDGE