



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

**CRIMINAL APPLICATION NO.1752 OF 2024 AND**  
**CRIMINAL APPLICATION NO.1287 OF 2024**

Prakash s/o Prabhakarrrao Dongre and ors.

..vs..

State of Maharashtra and anr.

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

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Shri G.S. Gour, Advocate for the applicants.  
Shri Badar, Addl.P.P. for the State.  
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**CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.**  
**DATE : 24/09/2024.**

This is an application for seeking amendment on account of subsequent filing of charge-sheet.

2. The application is allowed and disposed of.
3. Necessary amendment be carried out forthwith.
4. Heard.
5. This is an application seeking to quash the charge-sheet namely Regular Criminal Case No.332 of 2024 arising out of Crime No.1488 of 2023 registered with the Hinganghat Police Station, District Wardha for the offence punishable under Sections 304 read with Section 34 of the Indian Penal Code, on account of settlement.
6. It is the prosecution case, that the informant's nephew Rohit was a Daily Wages Worker. At the relevant time, he was working as a Labour on road construction work undertaken by the applicant no.1 Prakash Dongre.

During the work, the aluminum road held by the deceased came into contact of roadside electric wire on which due to electric current Rohit died. It is the prosecution case, that the applicant no.1 Prakash has undertaken road construction work in the capacity of Contractor, who has not taken precaution by providing safety measures to the labourer. The applicant no.1 was knowing that the consequence of failure to take safety measure may result into the death and thus, committed an offence punishable under Section 304 of the IPC.

7. Though this application is filed by four applicants, however it is informed that charge-sheet is filed against the applicant no.1 Prakash Dongre only. In the meantime, the parties have amicably settled the dispute out of the Court. The Applicant no.1 Contractor has paid sum of Rs.20 lakhs to the mother of the deceased towards full and final settlement. The informant is an Uncle of the deceased. The Uncle and the mother of the deceased have filed a short affidavit stating about the settlement, receipt of compensation and their no objection to quash the proceedings. The informant Ravindra Mohite and mother of the deceased are present before the Court, who have been identified by the Counsel Shri Parth Malviya. Both of them have been stated about the receipt of compensation and thus, they do not want to prosecute the criminal trial. By and large, the incident is about sheer negligence of the Contractor in providing the safety measures to the labourer. One poor labour has been died and by way of compromise sufficient amount has been given to the

mother of the deceased. It is informed that the deceased has no father.

8. It is apparent that the incident is an outcome of sheer negligence. The offence cannot be termed as anti-social or heinous. Considering the peculiar facts, we are inclined to exercise our inherent powers, hence the following order :

(a) The application is allowed.

(b) We hereby quash and set aside the charge-sheet namely Regular Criminal Case No.332 of 2024 arising out of Crime No.1488 of 2023 registered with the Hinganghat Police Station, District Wardha for the offence punishable under Sections 304 read with Section 34 of the Indian Penal Code.

9. The application stands disposed of accordingly.

**(MRS. VRUSHALI V. JOSHI, J.)**

**(VINAY JOSHI, J.)**