



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

CRIMINAL APPLICATION NO.1032 OF 2024

Shri Sanjay s/o Madhukarrao Kale and ors.

..VS..

State of Maharashtra and anr.

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

Court's or Judge's orders

Shri A.D. Mhala, Advocate for the applicants.

Mrs.K.S. Bhundge, Additional Public Prosecutor for the State.

Shri M.A. Vishnu, Advocate for non-applicant no.2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 06/08/2024.

Heard.

2. The applicants are seeking to quash the charge-sheet arising out of First Information Report No.629 of 2021 registered with the Nandanwan Police Station, Nagpur City for the offence punishable under Sections 304-A of the Indian Penal Code and Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015, on account of mutual settlement.

3. The informant's minor son was engaged by the Contractor Kanhaiyya Patel in catering business. On the date of occurrence, minor was working at a Marriage Hall, where he sustained injuries while using the lift allegedly meant to shift the food items only. After the death of the minor, the informant has lodged the claim under Section 4 and 22 of the Employees Compensation Act, 1923 before the designated Authority i.e. the Labour Commissioner under the Employees Compensation Act, 1923/ the Labour Court, wherein the compensation has been awarded.

4. In the wake of said position, the matter has been amicably settled between the parties by entering into the compromise Deed dated 12.07.2024. In view of the settlement, it is submitted that there is no purpose in continuing the prosecution. Moreover, it is submitted that till date the Trial Court has not framed charges.

5. The informant (non-applicant no.2) appeared *suo moto* through his Advocate Shri M.A. Vishnu before the Court and filed a reply affidavit stating about the settlement and his no objection to quash the proceedings. The informant stated that he has received a cheque of Rs.12 lakhs in pursuance of the order of the Labour Court. The informant also stated that he did not wish to go on with the prosecution, as according to him, it was a case of pure accident.

6. Stand over to 07.08.2024, at 2.30 p.m.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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