

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 6889 of 2014

1. Bhausahab s/o. Baliram Kadam,
Age : 65 years, Occ. : Agriculture.
2. Sumanbai w/o. Bhausahab Kadam,
Age : 60 years, Occ. : Agriculture.
3. Anil s/o. Bhausahab Kadam,
Age : 35 years, Occ. : Agriculture.
4. Abhijit s/o. Bhausahab Kadam,
Age : 22 years,
Occ. : Education.
5. Ramdas s/o. Baliram Kadam,
Age : 45 years, Occ. : Agriculture.
6. Shivaji s/o. Baliram Kadam,
Age : 40 years, Occ. : Agriculture.
7. Latabai w/o. Balasaheb Kadam,
Age : 45 years, Occ. : Agriculture.
8. Amol s/o. Balasaheb Kadam,
Age : 26 years, Occ. : Agriculture.
9. Yogesh s/o. Balasaheb Kadam,
Age : 23 years,
Occ. : Agriculture.

All R/o. Chanai,
Taluka : Ambajogai, Dist. : Beed.

.. Applicants.

versus

1. The State of Maharashtra,
Through P.S. Ambajogai (City),
Taluka : Ambajogai, Dist. : Beed.

2. Sheshrao s/o. Yadavrao Dehere,
Age : 65 years,
Occupation : Agriculture,
R/o. Chanai, Taluka : Ambajogai,
District : Beed.

At present : Kalpana Colony,
Ring road, Ambajogai.

.. Respondents.

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Mr. S.V. Warad, Advocate, for the applicants.

*Mr. S.G. Karlekar, Additional Public Prosecutor, for
respondent no.1 - State.*

Mr. Gaurav L. Deshpande, Advocate, for respondent no.2.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 5TH JANUARY 2015

COURT'S ORDER (Per S.S. Shinde, J.) :

1. Heard Adv. Mr. S.V. Warad for the applicants, learned APP Mr. S.G. Karlekar for respondent no.1 - State, and Adv. Mr. G.L. Deshpande for respondent no.2 (original complainant).

2. It is the contention of the Counsel appearing for the applicants, that even if the allegations in the FIR are taken in its entirety, no offence is disclosed under Sections 3(1)(v) and 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989

[For short, hereinafter referred to as "Atrocities Act"]. It is further submitted that the entire dispute is of civil nature. Even the female members of the family of the applicant no.1 are named in the FIR. Therefore, according to the learned Counsel appearing for the applicants, the Application deserves consideration.

3. The learned Counsel appearing for the original complainant invited our attention to the allegations in the FIR, and submits that same are required to be read in the light of provisions of Sections 3(1)(v) and 3(1)(x) of the Atrocities Act. He further submits that the offence is disclosed, which needs investigation.

4. The learned Additional Public Prosecutor adopts the arguments advanced by the learned Counsel appearing for the original complainant.

5. We have given due consideration to the submissions advanced by the learned Counsel for the applicants, learned Counsel appearing for the original complainant and the learned Additional Public Prosecutor for the State. We have also carefully perused the allegations in the FIR.

6. So far as applicant no.1 is concerned, upon reading contents of FIR, offence under Section 3(1)(x) of the Atrocities Act has been disclosed. So far as applicant nos.2 to 9 are concerned, though there are no direct allegations that they have abused the complainant on caste, nevertheless, upon perusal of the allegations in the FIR, prima facie it appears that the provisions of Section 3(1)(v) of the Atrocities Act gets

attracted. At the stage of quashing the FIR, the allegations in the FIR will have to be taken as it is.

7. In that view of the matter, at this stage, no case is made out to quash the FIR. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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