

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2814 OF 2007

Dnyandeo Damu Patil
Age 57 Years, Occ. Head Master,
R/at Tehere, Tal. Malegaon
Dist. Nashik

..... Applicant

V/s

1. State of Maharashtra,

2. Station House Officer,
Chavni Police Station,
Malegaon, Dist. Nashik

..... Respondents

Mr. N.R. Bubna for the Applicant.

Dr. F.R. Shaikh, APP for Respondent No.1/State.

Mrs. Suman Ratnakar Gaikwad present in Court.

Mr. Navnath Dadasaheb Kadam, Police Naik present in Court.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 29 JUNE 2016

ORAL JUDGMENT: (PER A.S. OKA, J.)

1 This Application was called out for final hearing on 10 June 2016. On that day Smt. Sumanbai Ratnakar Gaikwad appeared before the Court and tendered an Affidavit dated 19 September 2009.

2 The prayer in this Application under section 482 of Code of Criminal Procedure, 1973 (for short CrPC) is for quashing First Information Report being CR No.I-3045 of 2007 registered with Chavni Police Station in District Nashik for the offences punishable under section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and section 5 of the Protection of Civil Rights Act. In the said Affidavit, Smt. Gaikwad has stated that the Complaint was lodged by her due to misunderstanding and on the instigation of the others and therefore, she has recorded her no objection for grant of prayers made in the Application.

3 We have perused the statement of Smt. Gaikwad dated 17 August 2007 on the basis of which the First Information Report was registered. She claims that she was residing with her husband at Ozar in Nashik as her husband was employed in Hindustan Aeronautic Ltd. She claims that she belongs to Hindu Bhilla community. Her case is that in June 2007 she visited Samata Vidyalaya at Tehere for securing admission to her grand-daughter and grand-son. She stated that in June 2007, she could not meet the Principal of the School. Therefore, in the first week of July 2007, she visited the said School along with her relatives and members of the local Village Panchayat. She has alleged that the Head Master met her and refused to admit her grand-children. The allegation is that not

only that the Head Master refused to admit her grand-children but abused her by taking name of her caste.

4 The present Application is filed by the Head Master of the said School. The case made out in the Application is that even the date on which the alleged incident took place is not mentioned in the statement of Smt. Gaikwad. It is stated that the Applicant was not concerned with the process of admission as a three member committee was appointed by the Management to do the admission related work. It is pointed out that for few days in July 2007, he was on leave. Reliance is placed on letter dated 4 June 2007 which records that a three member committee was appointed to conduct the process of admission.

5 We have perused the statement on the basis of which First Information Report was registered. Going by the said statement Smt. Gaikwad, she approached the school after the commencement of term in June 2007. After June 2007, she went to the school in the first week of July when the alleged incident occurred. The Complaint is filed belatedly on 17 August 2007. On plain reading of the statement of Smt. Gaikwad, by taking the same as correct, no offence as alleged against the Applicant is made out.

6 As far as Affidavit of Smt. Gaikwad is concerned, there is a report dated 28 June 2016 submitted by Shri I.V. Vishwakarma, Inspector of

Police, Chavni Police Station, Malegaon, District Nashik who has verified the identity of Smt.Gaikwad who is present in the Court today.

7 Shri Navnath Dadasaheb Kadam, Police Naik (431) working in the Chavni Police Station, Malegaon, District Nashik is present today who states that he personally identified Smt. Sumanbai Ratnakar Gaikwad who is present today as the First Informant.

8 Even without going into the Affidavit filed by Smt.Gaikwad, we are of the view that, this is a fit case to quash the proceedings by exercising the power under section 482 of CrPC. Accordingly, we pass following order:

i) Rule is made absolute in terms of prayer clause (a) which reads thus:

“(a) the records and proceedings of impugned C.R. No.I-3045/2007 registered by Chavani Police Station against the Applicant be called for and after examining the legality, validity and propriety thereof the impugned C.R. No.I-3045/2007 registered by Chavani Police Station against the Applicant be quashed and set aside.”

ii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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