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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4012 OF 2013

Ramdas Baban Wavhal

..Petitioner.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.Ramdas Baban Wavhal the petitioner – person.

Mr.K.V. Saste, APP for the respondent-State.

**CORAM : NARESH H.PATIL AND
A.M.BADAR, JJ.**

DATED : 18TH APRIL, 2016

P.C. :-

1. By this petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, the petitioner / original accused No.3 has prayed for quashing and setting aside the F.I.R. bearing Crime No.46/2013 for offences punishable under section 3(1), (x) and 3(1), (xiv) of The Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, 1989

registered against him on 20th September, 2013 on the basis of the report lodged by respondent No.2 Mrs.Shanta Wavhal in Narayangaon Police Station, District Pune.

2. Heard the petitioner who appears in person. By reading the entire F.I.R. on record page 26, the petitioner submitted that there is no allegation against him in the F.I.R. He further argued that his name is passingly mentioned in the said F.I.R. He further submitted that though charge-sheet is filed against him and other accused persons, in the entire charge-sheet there is no whisper of commission of alleged offence against the petitioner and as such, the F.I.R. as well as the resultant charge-sheet needs to be quashed and set aside. The petitioner had drawn our attention to the charge-sheet. He further argued that the supplementary statement of informant Mrs.Shanta Wavhal is reflecting the after-thought allegations because the petitioner had lodged one complaint in the police station. He further argued that entire averments in the supplementary statement recorded on 27th December, 2013 are false. Respondent No.2 / informant has initiated false prosecution against the petitioner and, therefore, the same is required to be quashed and set aside.

3. We have heard learned APP appearing for the State. According to the learned APP, the supplementary statement of the informant as well as material collected during the course of investigation demonstrates the commission of the offence alleged against the petitioner.

4. With the assistance of the parties, we have carefully perused the F.I.R. as well as the charge-sheet No.2/13 filed by the Sub-Divisional Police Officer, Junnar, District Zunnar against the petitioner as well as other accused persons. Respondent No.2 / informant belongs to the Scheduled Caste '*Mahar*' as reflected from the F.I.R. and she has married relative of the petitioner namely Vilas Wavhal. According to the prosecution, she belongs to the Scheduled Caste and her in-laws are from Teli castes. They are insulting and intimidating the informant with intent to humiliate her in public place and within public view. They are not allowing the informant access to a place of public resort or participate in the family function. During the course of investigation on 27th December, 2013, a supplementary statement of the informant Mrs.Shanta Wavhal was recorded by the Investigating Officer.

This supplementary statement of the informant contains allegations against the present petitioner. This supplementary statement of the informant shows that the present petitioner used to insulted the informant by abusing her in the name of her caste. In the supplementary statement, the informant alleges that in the market place, the petitioner has assaulted her as well as her husband and addressed her as "*Maharadi*". The informant further alleged in the supplementary statement that by standing at the square at the time of death of Baban Wavhal, the present petitioner had addressed the informant by her caste in order to insult and humiliate her within public view. It is further alleged that in order to prevent her from attending the marriage of Prachi, the present petitioner quarrelled with the informant and insulted her by addressing her on her caste. Several instances alleging insult and humiliation of the informant by making casteist remarks is stated in the supplementary statement of respondent No.2.

6. It is well settled that inherent powers of this Court so also powers under Article 226 of the Constitution of India are required to be exercised only for preventing the abuse of process of the Court, so also for securing the ends of

justice in rarest of the rare cases. Such powers are required to be exercised when the allegations made in the F.I.R. and accepted in its entirety do not *prima facie* constitute any offence. Such is not the case in hand. The supplementary statement of the informant *prima facie* reflects the commission of the alleged offence by the petitioner. As such no case for interference is made and hence the order.

(i) The petition is dismissed.

(A.M. BADAR, J.)

(NARESH H.PATIL, J.)