

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 855 OF 2009.

1. Amarshinh S/o Shivajirao Pandit
Age: 40 Years, Occu: M.L.A. & Social Service,
R/o Subhash Road, Beed,
Tq. & Dist. Beed.
 2. Dnyaneshwar S/o Bhagawat Lad
Age: 40 Years, Occu: Driver,
R/o Near Old Bus Stand, Georai,
Tq. Georai, Dist. Beed.
 3. Jagannath S/o Bahagwanrao Shinde
Age: 50 Years, Occu: Agri., & Zilla Parishad Member,
R/o Khandvi, Tq. Georai,
Dist. Beed.
 4. Vijaysinh S/o Shivajirao Pandit,
Age: 32 Years, Occu: Social Service/Business
R/o Subhash Road, Beed,
Tq. & Dist. Beed.
- ...Petitioners.**

Versus

1. The State of Maharashtra
 2. The Deputy Superintendent of Police
Georai, Tq. Georai, Dist. Beed.
 3. The Police Inspector,
Georai Police Station,
Tq. Georai, Dist. Beed.
 4. Jagannath S/o Arjun Harale
Age: 40 Years, Occu: Driver,
R/o Komalwadi, Tq. Georai,
Dist. Beed.
-Respondents.**

Mr. R. N. Dhorde, Senior Counsel i/b Mr. R. L. Kute, Advocate for petitioners.

Mr. R. V. Dasalkar, APP for respondent Nos. 1 to 3.

WITH
CRIMINAL WRIT PETITION NO. 856 OF 2009.

1. Amarshinh S/o Shivajirao Pandit
Age: 40 Years, Occu: M.L.A. & Social Service,
R/o Subhash Road, Beed,
Tq. & Dist. Beed.
2. Vijaysinh S/o Shivajirao Pandit,
Age: 32 Years, Occu: Social Service,
R/o Subhash Road, Beed,
Tq. & Dist. Beed.

...Petitioners.

Versus

1. The State of Maharashtra
2. The Deputy Superintendent of Police
Georai, Tq. Georai, Dist. Beed.
3. The Police Inspector,
Georai Police Station,
Tq. Georai, Dist. Beed.
4. Sunil S/o Deorao Kandekar
Age: 40 Years, Occu: Driver,
R/o Budhavihar, Georai,
Tq. Georai, Dist. Beed.

....Respondents.

Mr. R. N. Dhorde, Senior Counsel i/b Mr. R. L. Kute, Advocate for petitioners.

Mr. S. D. Ghayal, APP for respondent/State.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.
DATED : JULY 21, 2017.**

JUDGMENT : [PER T.V. NALAWADE, J.]

. The petitioners are common in both the proceedings and similar reliefs are claimed in both the proceedings in respect of different crimes and so, both the proceedings are decided by

common judgment. Both the sides are heard.

2) Criminal Writ Petition No. 855/2009 is filed for relief of quashment of F.I.R. No. 180/2009 registered in Georai Police Station for the offences punishable under sections 341, 506, 34 of Indian Penal Code ('IPC' for short) and section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This crime is registered on the basis of report given by one Jagannath Harale, who belongs to scheduled caste. In his F.I.R., he has made allegations that on 30.8.2009 at about 14.25 hours when he, Yudhajeet Pandit, Achut Gopal etc. were present in a jeep and they were proceeding towards Pandharewadi, their jeep was intercepted by Dnyaneshwar Lad, petitioner No. 2 by using his jeep. He has made allegations that then from the jeep of Dnyaneshwar, the persons like petitioner No. 1 and petitioner No. 3 and also petitioner No. 4 alighted and they started giving abuses to him. He has made allegations that they took the name of his caste which is a scheduled caste and they gave threat of life to him by saying that he should not work as a driver on the jeep of Yudhajeet Pandit.

3) The second proceeding bearing Criminal Writ Petition No. 856/2009 is filed in respect of C.R. No. 3049/2009 which was registered on the basis of report given by Sunil Kandekar, who also

belongs to scheduled caste. He has made allegations that on 30.8.2009 at about 1.00 to 1.30 p.m. when he was sitting on the platform of Boudhvihar, place of the people and when he was in the company of Bhaskar Saudarmal, the petitioners of this petition came there and they started giving abuses by taking the name of his caste. He has made allegations that they gave threat of life by saying that he should not participate in election campaign which was started by opposite side.

5) The learned Senior Counsel for petitioners submitted that on that day, the crime at C.R. No. 179/2009 was registered against Yudhajeet Pandit and his men on the basis of report given by one Babasaheb Sasane and only to give counter blast to that report, the aforesaid reports were given against the petitioners. It was submitted that there was political rivalry between the two groups and petitioner No. 1 Amarsingh Pandit was sitting M.L.A. at the relevant time. He submitted that false allegations were made in the F.I.R. due to political rivalry and so, the F.I.Rs. need to be quashed.

6) The submissions made by the learned APP and the report collected by him from police show that against the petitioners in the past also crimes were registered in the year 2007 and they were even for causing damage to the public property and cases were filed

in the two crimes against them. The submissions made show that nobody disputes that there are rival groups in that village. Only because, other group of present petitioners had given report against the opposite side first in time, it cannot be inferred that the other side gave report against the petitioners to give counter blast to the first report. Though it is true that the provisions of aforesaid Atrocity Act are being misused these days, that does not mean that the investigation cannot be allowed to be made when the F.I.R. is given and the crime is registered. That legislation is made to give protection to the persons of scheduled castes and scheduled tribes and so, it cannot be presumed at this stage that the F.I.Rs. are in respect of imaginary incidents. There was political rivalry and there was the election campaign started by both the sides. When the side of the petitioners is making allegation that some incident took place, it cannot be believed at this stage that other side has made false allegations against petitioners. Thorough investigation needs to be made in to the allegations in view of the object behind the special legislation. In the result, both the petitions stand dismissed. Interim relief, if any, granted earlier is vacated. Rule is discharged.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/