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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.1081 OF 2017
WITH
CRIMINAL APPLICATION NO.409 OF 2017
IN
WRIT PETITION NO.1081 OF 2017**

Shivraj Rajesh Jagtap ... Petitioner.

V/s.

The State of Maharashtra ... Respondents

Mr. Surel Shah I/by Priya Crasto, for
the Petitioner.

Mr. K.V. Saste, APP for the Respondent.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 13th NOVEMBER, 2017.

P.C. :

1] Heard Mr. Surel Shah, learned counsel appearing for the
petitioner and learned APP.

2] The petition is filed for quashing and setting aside F.I.R.
bearing C.R.7 of 2017, registered at Kale Police Station, Mumbai,
against the petitioner, for the offence punishable under Section 506
read with Section 34 of the Indian Penal Code and Section 3(1) (r)

(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3] We have gone through the documents. It discloses that the petitioner abused the complainant, who claims to be a member of the Scheduled Caste, in the name of his caste at a place within the public view.

4] Mr. Shah, learned counsel for the petitioner submits that there is no reason for the Manager of a Banking Institution to go to the house of complainant for recovery of a paltry amount of Rs.5,000/- and abuse him in the name of caste and these are usual tactics adopted by such members.

5] However, we cannot accept this submission. At this stage, we cannot go into the veracity of the allegations in the F.I.R. The F.I.R. shows that complainant was called outside by the present petitioner and abused in the name of caste.

6] In the above circumstances we are not inclined to entertain the petition. The petition is dismissed.

7] In view of disposal of Writ Petition, Criminal Application No.409 of 2017, does not survive and the same is disposed off.

8] In view of disposal of writ petition and above criminal application, interim relief, if any, shall stand vacated.

9] The petitioner is at liberty to apply for the discharge, in

the event charge sheet is filed in the trial Court and trial Court shall decide the same on its own merits without influenced by the observations made by this Court.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]