

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

CRIMINAL APPLICATION NO. 99 OF 2008

1. Sandeep @ Sandeepan s/o.  
Anantrao Shinde, Age 19 years,  
Occu. Student,
2. Pradeep s/o. Jagannath Shinde,  
Age 19 years, Occu. Student,
3. Premila w/o. Jagannath Shinde,  
Age Major, Occu. Household,
4. Ratnamala w/o. Anantrao Shinde,  
Age Major, Occu. Household,  
All above R/o. Takli Deshmukh,  
Taluka Parli-Vaijnath, Dist. Beed. ....**Applicants.**

**Vs.**

1. The State of Maharashtra.
2. The Police Inspector,  
Police Station (Rural),  
Parli-Vaijinath, Dist. Beed.
3. Sau. Shahubai Abhiman Dake,  
Age 40 years, Occu. Household,  
R/o. Takli Deshmukh,  
Taluka Parli-Vaijinath,  
Dist. Beed. ....**Respondents.**

Mr. S.J. Salgare, APP for respondent Nos. 1 and 2.

WITH  
CRIMINAL APPLICATION NO. 88 OF 2009

1. Anant s/o. Kishan Shinde  
Age 43 years, Occu. Agriculture,

2. Jagannath s/o. Kishan Shinde,  
Age 48 years, Occu. Agriculture,  
  
Both R/o. Takli Deshmukh,  
Taluka Parli-Vaijnath, Dist. Beed.

**....Applicants.**

**Vs.**

1. The State of Maharashtra.  
  
2. The Police Inspector,  
Police Station (Rural),  
Parli-Vaijinath, Dist. Beed.  
  
3. Sau. Shahubai Abhiman Dake,  
Age 40 years, Occu. Household,  
R/o. Takli Deshmukh,  
Taluka Parli-Vaijinath,  
Dist. Beed.

**....Respondents.**

Mr. S.J. Salgare, APP for respondent Nos. 1 and 2.

**CORAM : T.V. NALAWADE AND  
K.L. WADANE, JJ.**

**DATED : July 5, 2018.**

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

1) Both the proceedings are filed under section 482 of Criminal Procedure Code for relief of quashing of C.R. No. 222/2007 registered with Parli Police Station Rural, District Beed for offences punishable under section 3 (1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also for the offences punishable under section 354 and 509

of Indian Penal Code.

2) Nobody has turned up for the applicants in both the proceedings. But there are papers of investigation with the learned APP. The proceedings are pending since the year 2008 and 2009 and interim relief was granted by this Court in the year 2008. Even anticipatory bail was granted by the learned Single Judge of this Court in the first proceeding. In view of these circumstances, this Court is deciding the matters on merits.

3) The submissions made show that chargesheet came to be filed only for the offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sections 323, 147 of IPC. It is already observed that accused can be tried for the offences punishable under sections 354 and 509 of IPC also. There are allegations in the F.I.R. lodged by a lady that in the incident applicant Anant gave abuses to her in filthy language by taking the name of her caste which is scheduled caste, he moved towards her by saying that he would rape her and he used filthy language and he touched her body and he assaulted her. Allegations are made that they caused

tear to her clothes and they also caused tear to clothes of her relative Kaishabai when she came to rescue her. The F.I.R. was given immediately after next day of the incident. Supplementary statement of the first informant was recorded and she has made specific allegations against all the applicants. The names of witnesses are mentioned and their statements are recorded by police. Statement of other lady against whom also offence is committed is also recorded. There are injury certificates in respect of both these ladies showing that they had sustained injuries like contusion over wrist, hands. Thus, there is more than sufficient material to make out the case for aforesaid offences. Further, even when the chargesheet came to be filed, no amendment is made in the present proceedings to claim the relief of quashing of the case itself. In view of all these circumstances, this Court holds that no relief can be granted to the applicants of both the proceedings. Both the proceedings stand dismissed. Rule stands discharged. Interim relief is vacated.

**[K.L. WADANE, J.]**

**[T.V. NALAWADE, J.]**

ssc/