

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 198 OF 2013

Yusufkhan s/o Chandkhan Pathan,
Age- 35 years, Occ. Service,
R/o. Nanded, Tq. & Dist. Nanded.

... APPLICANT

VERSUS

1) The State of Maharashtra,
Through the Police Station,
Bhokar, Tq. Bhokar, Dist. Nanded.

2) Ashok s/o Nagorao Deokar,
Age 49 years, Occ. Service
Dy. Education Officer, Zilla Parishad, Nanded,
R/o. Sambhaji Nagar, Taroda (Bk),
Tq. & Dist. Nanded.

... RESPONDENTS

...
Mr. V. D. Patnurkar, Advocate for Applicant.
Mr. M. M. Nerlikar, APP for Respondent No.1 / State.
...

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

DATE : 26th July, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. The proceeding is filed under Section 482 of the Code of

Criminal Procedure for relief of quashing of FIR No.86 of 2011, registered with Bhagyanagar Police Station, District Nanded, for the offence punishable under Section 3(1)(x) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also for other provisions of Indian Penal Code like Sections 353, 506, 323, 186, 189, 109, 420, 467, 468, 471 read with 34.

2 Both the sides are heard.

3 The crime is registered on the basis of report given by one Ashok Deokare, who was working as Deputy Education Officer at the relevant time. As there was some complaint in respect of Kasturba Primary School of Nanded, inspection of this school was undertaken. There was allegations against the present Applicant that even when he was not President of the said institution, he was posing himself as President and he had committed irregularities in that institution, which include deceiving the Government by creating false record.

4 Incident took place on 24th March, 2011. On that day, the first informant and other staff of department were conducting

inspection, the Applicant went there and picked up quarrel with the first informant and other staff. They had just noticed that false record of attendance of students was prepared and when only one student was present in 2nd and 4th standards, false record of attendance was created and by creating false record, Government amount was being collected. During inspection, the present Applicant virtually assaulted the Education Officer Waghmare and he started scuffle with the first informant. The first informant belongs to Scheduled Caste and according to the first informant, his caste was known to the present Applicant. Allegations are made that by taking the name of the caste of first informant, abuses were given to insult him in presence of all the persons, who were from the education department and others. Assault was also made on the informant and other staff members of the education department by the Applicant. Ultimately, it was noticed that false record was prepared by the present Applicant and Government money was grabbed and so report was given on the day of incident and crime came to be registered for the aforesaid offences.

5 The submissions made and report of the police officer show that not only the present crime, but other nine crimes were

registered against the Applicant from the year 1993. The crimes were registered under Sections 324, 354, 324, 454, 395, 294, 366, 379 etc. of the Indian Penal Code. The report also shows that on one occasion, when the Applicant was in police custody, by using force, he had run away and escaped from the custody. There are allegations against the Applicant that he had committed theft of important files of the office of local body.

6 The learned counsel for Applicant submitted that the Applicant is seeking for quashing of the FIR registered for the offence punishable under Section 3(1)(x) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, as it is the contention of the Applicant that no such abuses were given by him and there was no reason for him to take the name of the caste of the first informant. This contention cannot be accepted at this stage. There were many eye witnesses and material is collected in support of the allegations made in the FIR. It cannot be said that false allegations are made against the Applicant. The Applicant is not disputing that some incident did take place in the school. In the result, the following order is passed:

ORDER

- I. The application is dismissed.
- II. Interim relief is vacated.
- III. Rule is discharged.

[K. L. WADANE, J.]**[T. V. NALAWADE, J.]***ndm*