

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

CRIMINAL WRIT PETITION NO. 76 OF 2015

Dr. Yeshwant S/o Prakashrao Rajebhosle,
Age: 33 years, Occ: Medical Practitioner,
R/o Samta Colony, Majalgaon, Tq. Majalgaon,
Dist. Beed.

... PETITIONER
(Orig. Accused)

VERSUS

1. The State of Maharashtra.
2. Rajabhau S/o Kashinath Ghode,
Age: 31 years, Occ: Agri.,
R/o. Sadola, Tq. Majalgaon,
Dist. Beed.

... RESPONDENTS

...
Mr. V. R. Dhorde, Advocate for Petitioner.
Mrs. V. S. Choudhari, APP for Respondent No.1 / State.
Mr. G. J. Pahilwan, Advocate for Respondent No.2.
...

**CORAM : T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 26th October, 2018.

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

. The proceeding is filed for relief of quashing of C.R. No.92
of 2014, registered with Majalgaon City Police Station, District Beed,

for the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 323 of the Indian Penal Code.

2 Both the sides are heard.

3 The crime is registered on the basis of report given by Respondent No.2, Rajabhau Ghode. According to him, incident took place on 12th December, 2014 after 05:00 pm. According to him, he had gone to the hospital of present Petitioner situated at Majalgaon as he wanted to see one Ashabai, who was receiving treatment there. According to him, when he was about to enter the hospital, present Petitioner stopped him, pushed and pulled him and gave abuses by using the name of his caste, which is scheduled caste. He has given names of two persons as Ashok Dhage and Dadarao More as witnesses, who had witnessed the incident.

4 The submissions made and record show that one lady Smt. Ashabai was given treatment in the hospital of present Petitioner. She was relative of the first informant and so, it can be

said that he was also belonging to the scheduled caste. It is the case of the Petitioner that the relatives of the lady were insisting to take x-ray, but the present Petitioner was saying that it was unnecessary. It is the contention of the Petitioner that no such incident took place and the first informant has falsely implicated him to harass him. It was submitted that even CCTV footage was supplied to the police.

5 The contention of the first informant does not appear to be probable in nature. When the Petitioner had given treatment to Ashabai by admitting her in the hospital, it does not look probable that he had grudge against the persons of scheduled caste. Further it is not the contention of the first informant that he was known to the Petitioner from prior to the date of incident. Thus, there was no reason for the Petitioner to know that the first informant belongs to scheduled caste. Due to all these circumstances, this Court holds that there is possibility of exaggeration and false implication and relief needs to be granted to the Petitioner. In the result, the following order is passed:

ORDER

- I. The petition is allowed.

- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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