

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 490 OF 2009

Shamrao s/o Marotrao Hambarde,
Age 55 years, Occ. Circle Inspector,
R/o. Degloor, Tq. Degloor, Dist.
Nanded.

... Applicant
(Ori. accused)

VERSUS

1. The State of Maharashtra,
Through Police Station, Degloor,
Tq. Degloor, Dist. Nanded.
2. The District Superintendent of Police,
Nanded, Dist. Nanded.
3. Gangadhar s/o Chandrakant Bhuyare,
Age 35 years, Occ. Social Worker,
r/o. Balegaon, Tq. Degloor, Dist.
Nanded.

... Respondents
(Respondent No. 3 is
original informant)

...

Advocate for Applicant : Mr. S.G. Chincholkar.
APP for respondent No. 1/State : Mrs. P.V. Diggikar.
Advocate for Respondent No. 2 : Mr. B.S. Kudale.

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

DATE : 17th July, 2018.

JUDGMENT (PER K.L. WADANE, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final disposal.

2. This application is filed by the applicant under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing of first information report No. 08/2009 on 03/02/2009, registered with Degloor police station, District Nanded, for the offences punishable under section 3(i)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under section 341 and 504 of the Indian Penal Code.

3. Heard Mr. Chincholkar, learned counsel for applicant, Mrs. Diggikar, learned APP for the respondents/State and Mr. B.S. Kudale, learned counsel for respondent No. 3.

4. Learned counsel for applicant submits that the allegations made in the complaint are not sufficient to establish that the offence was committed by the applicant in the public place or public view. Secondly, no one has witnessed the alleged abuses as well as assault.

5. Learned APP points out the contents of the first information report and the specific abuses on the caste of respondent No. 3. She also points out that the names of the witnesses were mentioned in the first information report itself, who were accompanied with the complainant.

6. We have gone through the first information report dated 03.02.2009. It is alleged by the respondent no. 3/original complainant that on 20.01.2009 at about 1430 hours when he was proceeding from the garden, from the back side of Tahsil office, at that time applicant met him and abused him as “Salya Mangdya Lay Majlas Kay, Tuzyasarkhe Phatke Karyakarte Khoop Pahile”. Further it appears from the first information report that the witnesses namely Pandhari Suryawanshi, Ganpat Waghmare and one Parbate were accompanied with the complainant and they saw the incident and rescued the scuffle. So there are specific allegations against the applicant. The contents of the first information report itself prima-facie show that the incident occurred in public place and public view and the incident was witnessed by three witnesses.

7. In view of the above, prima-facie it cannot be said that the allegations made in the first information report are false, imaginary or groundless. Hence, there is no substance in the application, therefore, it is liable to be dismissed, accordingly it is dismissed. Interim relief is vacated. Rule stands discharged.

(K. L. WADANE, J.)

(T.V.NALAWADE, J.)

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