

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

CRIMINAL WRIT PETITION NO. 214 OF 2014

1. Vishnu S/o Ram Gaddime,
Age: 28 years, Occu: Service
R/o. Talni (Mohgaon), Tq. Renapur,
Dist. Latur.
2. Dnyanoba S/o Harishchandra Padile,
Age: 38 years, Occu: Business,
R/o. as above.
3. Venkat S/o Ram Gaddime,
Age: 25 years, Occu: Agril.,
R/o. as above.
4. Chandrakant S/o Mahadu Bombade,
Age: 40 years, Occu: Service,
R/o. as above.

... **PETITIONERS**
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
Through Police Station,
Chakur, Tq. Chakur, Dist. Latur.
2. Vanmala W/o Sandipan Dongre,
Age: 30 years, Occu: Household,
R/o. Talni, Tq. Renapur,
Dist. Latur.

... **RESPONDENTS**
(R.No.2 is Orig. Complainant)

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Mr. V. D. Gunale, Advocate for Petitioners.
Mr. A. A. Jagatkar, APP for Respondent No.1 / State.
Mr. R. D. Biradar, Advocate for Respondent No.2.

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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 FIR No.3002 of 2014, registered with Chakur Police Station, Taluka Chakur, District Latur, for the offences punishable under Section 3(1) (x) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act and Sections 504 and 506 of the Indian Penal Code.

2 Both the sides are heard.

3 The report was given by Respondent No.2, Vanmala Dongre. In the report, the first informant has made allegations against the present Petitioners, who are four in number that on 31st December, 2013, when the first informant was sleeping in her house with her family members, at about 02:00 am on 1st January, 2014, she heard noise of pelting stones and then knocking the door of her house. It is her contention that when she came out of the house after opening the door, she noticed that all the Petitioners were present in

front of her house. It is her contention that all of them were under influence of liquor and all of them gave abuses by taking the name of her caste, which is scheduled caste. It is her contention that they then eased themselves in front of her house and then ran away. It is her contention that when her husband had come out, abuses were given to him also. It is her case that on the same day, she could not give report as she was not well. She gave report on 10th January, 2014 i.e. after about 9 days of the incident.

4 In the FIR itself, it is mentioned that there was some transaction between the first informant and the Petitioners. It is her contention that slit from the field, which was covered by dam water was collected by the present Petitioners and they had agreed to pay consideration of Rs.60,000/- to her. It is her contention that in the past, she had given report against them on 29th May, 2013, but as they had agreed to pay the amount, she had withdrawn her complaint.

5 The submissions made and record show that as the policy decision, the Government allowed the farmers and villagers to collect the slit from storage tanks without making payment or any charges or royalty. This was done under the project prepared to enhance the

capacity of the tanks. Admittedly, the land of the first informant was acquired for percolation tank and so, as per Government project anybody could have taken the slit from that portion of land.

6 Papers of investigation and submissions show that only the family members of the first informant will be the witnesses and there are aforesaid circumstances. This Court holds that it will be abuse of process of law if the Petitioners are made to face the trial for the aforesaid offences. Considering the place of residence and circumstances that there will be no independent evidence, this Court holds that the petition needs to be allowed. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. Relief is granted in terms of prayer clause (C).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]