

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

CRIMINAL APPLICATION NO. 785 OF 2011

- 1] Ashok s/o Digambar Jadhav,
Age : 58 Years, Occ : Agriculture,
- 2] Sharad @ Atmaram s/o Jadhav,
Age : 58 Years, Occ : Agriculture,
- 3 Datta s/o Ashok Jadhav,
Age : 21 Yrs, Occ : Agriculture,
- 4] Anil s/o Ashok Jadhav,
Age : 18 Yrs, Occ : Agriculture,

All R/o : Ranisawargaon,
Tq. Gangakhed, District Parbhani.

... APPLICANTS

VERSUS

- 1] The State of Maharashtra,
Through Police Inspector
Pimpaldari Police Station,
Pimpaldari, Tq. Gangakhed,
Dist. Parbhani.
- 2] The Dy. Superintendent of Police,
Gangakhed, Tq. Gangakhed,
District Parbhani.
- 3] Sow. Mina w/o Balasaheb Aadode,
Age: 35 yrs, Occ: Labourer,
R/o. Ranisawargaon,
Tq. Gangakhed, District Parbhani.

... RESPONDENTS

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Mr. A. A. Mukhedkar, Advocate for Applicants.

Mrs. V. S. Choudhari, APP for Respondent No.1 / State.

Mr. J. M. Murkute, Advocate for Respondent No.2.

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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.19 of 2011, registered with Pimpaldari Police Station, Taluka Gangakhed, District Parbhani, for the offence punishable under Section 3(1)(ii) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 7(1)(5) of the Protection of Civil Rights Act, 1955 and Sections 323, 504, 506 and 34 of the Indian Penal Code.

2 Both the sides are heard.

3 The crime is registered on the basis of report given by one lady Mina Aadode. The Applicants and first informant are residents of Ranisawargaon, village of the first informant. Allegations

are made in respect of incident dated 11th February, 2011. The first incident took place in the field when Applicant No.1 picked up quarrel with the lady by saying that she had committed theft of stems of *Toor* from his field and assault was made by him on the first informant.

4 The second incident took place in the house of first informant. Allegations are made that after some time of the first incident, all the Applicants came to her house and gave abuses to her by taking the name of her caste, which is Scheduled Caste. Threats were given to drive the family of first informant out of the village and threats of life were also given. Allegations are made that assault was made on the husband of the first informant. Allegations are made that by giving false complaint of theft, the Applicants were harassing them.

5 The learned counsel for Applicants submitted that father of Applicants namely Digambar had given report against the first informant and her relatives that they had committed theft of cash amount, gold and silver articles on 15th February, 2011. Submissions made show that crime was registered for the offence punishable under Section 395 of the Indian Penal Code. This report was given

on the next day of the report given by the first informant in the present matter. The learned counsel for Applicants submitted that in FIR itself, there is mentioned that the Applicants' side was giving false report to Police in respect of theft and so the inference is possible that prior to 15th February, 2011, some reports were given. This submission is not acceptable as there is no such record.

6 There are specific allegations made against the Applicants in respect of commission of offence. The record produced show that there is some dispute between the parties and it cannot be said that false allegations are made against the present Applicants. It is not the case of the Applicants that they belong to Scheduled Caste or Scheduled Tribe. It is not disputed that the first informant belongs to Scheduled Caste mentioned in the FIR. In view of these circumstances, this Court holds that it is not possible to quash the FIR. In the result, the following order is passed:

ORDER

- I. The application is dismissed.
- II. Interim relief is vacated.

III. The learned counsel for Applicants requests for continuation of interim relief, which is of the nature of anticipatory bail and it is refused.

IV. Rule is discharged.

[K. L. WADANE, J.]

[T. V. NALAWADE, J.]

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