

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPICATION NO. 2497 OF 2008

1. Arvind Shankarrao Jawale,
Age 40 years, Occu. Editor,
Weekly Khandesh Sankalpa,
R/o. Donde Colony, Deopur,
Dhule.
2. Ashutosh Atul Joshi,
Age 45 years, Occu. Editor,
Daily Warta,
R/o. Ambedkar Chowk,
Jail Road, Dhule.
3. Trimbak Keduji Kapade,
Age 39 years, Occu. Sub-Editor,
Lokmat,
R/o. Lokmat Karyalaya, Shriram
Complex, Sakri Road, Dhule.
4. Hemant Sudhakar Madane,
Age 43 years, Occu. Editor,
Daily Apala Maharashtra,
R/o. Veer Sawarkar Road,
Dhule, Taluka & Dist. Dhule.
5. Deepak Vinayak Patwe,
Age 40 years, Occu. News Editor,
Daily Punya Nagari,
R/o. 16, Navrang Colony,
Deopur, Dhule.
6. Narendra Waman Sonawane,
Age 35 years, Occu. Chief Sub-Editor,
Daily Deshdoot,
R/o. Nagar Patti, Dhule.

....Applicants.

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Dhule, District Dhule.

2. Milind Avchit Baisane,
Age 40 years, Occu. Business,
R/o. Bhimnagar, Sakri Road,
Dhule.

....Respondents.

Mr. A.S. Sawant, Advocate for applicants.

Mr. P.V. Diggikar, APP for respondent No. 1/State.

Mr. V.P. Latange, Advocate for respondent No. 2.

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

DATED : JULY 25, 2018.

JUDGMENT : [PER T.V. NALAWADE, J.]

1) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 195/2008 registered with Dhule City Police Station for the offences punishable under sections 323, 149 etc. of Indian Penal Code and section 3 (1) (x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and section 7 (1) (c) of Protection of Civil Rights Act. Both the sides are heard.

2) The F.I.R. is given by respondent No. 2 Milind Baisane. It is his case that he owns a newspaper and he is journalist. He has made allegations that in incident dated 11.7.2008, which took place in the building of Income Tax Office where one Anil Gote had called journalists for briefing them, he was insulted by the present applicants. It is his contention that the applicants had virtually

driven him out of the meeting by saying that the persons belonging to schedule caste were not invited and he was not member of the association of journalists.

3) The papers of investigation were made available and they contain statements of some persons like Chandrashekhar Patil. Only that person has said something about the incident, but he is not contending that the name of caste was taken. Indirectly, he is trying to say that everybody knew that the first informant was belonging to schedule caste, but in spite of that he was insulted and humiliated.

4) The submissions made show that respondent No. 2 wanted to be a member of association of journalists. At the aforesaid place, there was gathering of journalists, who were members of the said association and invitations were specifically given to the persons who had gathered there. Applicants had gathered there as they were editors of different news papers and they were invited. Allegations are made against the applicants some of whom are the office bearers of the association. The submissions made show that respondent No. 2 had applied for membership of said association, but the membership was not given. It can be gathered from the record that the applicants were not in favour of giving membership

of the association to respondent No. 2.

5) In view of these circumstances, query was made by this Court to collect more information. The submissions were made that there are members of scheduled caste and other backward class of the said association and the association has not prevented the persons of backward community from becoming the members of that association. There can be other reasons for the association to avoid to give membership to peculiar persons. But, on the basis of the facts and circumstances of the present matter, it is not possible to infer that only because respondent No. 2 belongs to backward community, the applicants or their association were refusing to give membership to him. He was not invited in that meeting, but he had gone there and it can be said that even when it was announced that only invited persons were to stay inside of the hall, he refused to leave the hall. It can be gathered that there was some quarrel. But the material produced on record is not sufficient to infer that there was intentional insult of respondent No. 2 as mentioned in aforesaid provisions of Special Legislation. There is clear probability that to pressurise the applicants, the F.I.R. was given. When the incident took place on 11.7.2008, the F.I.R. was given on 13.7.2008. This delay also shows that it is afterthought. It will be abuse of process of law, if the applicants are directed to face the trial for aforesaid

offences in view of the circumstances mentioned above. In the result, the application is allowed. Relief is granted to the applicants in terms of prayer clause "A" and "B-1". Rule is made absolute in aforesaid terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/