

JUDGMENT (Per K. L. Wadane, J.):

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

2. The application is filed under section 482 of the Code of Criminal Procedure for relief of quashing of first information report registered against the applicants bearing Crime No. II-10/2007 with Karjat Police Station, District Ahmednagar for offences punishable under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 7(1) (d) of the Protection of Civil Rights Act.

3. The complainant Sushabai Mahadeo Kamble has lodged the complaint alleging that on 03.08.2007 at about 3.00 p.m., when she was in front of house of one Raghunath Bhandwalkar, while proceeding towards Kukadi Colony, at that time, present applicants accused Ankush Kale, Rajusheth Nerlekar and Kishor Shinde came there. Accused Ankush Kale abused her on her caste. The other accused Ratusheth and Kishore Shinde also abused her on her caste by saying "*Maharachi bai*". It is further alleged in the first information report that the incident was witnessed by one Baban Arjun Ingawale. On the basis of the said complaint, the offence as referred above came to be

registered against the applicants/accused.

4. Heard Mr. Gaware, learned counsel for the applicants, Mr. Dhasalkar, learned APP for the respondents State and Mr. Gaikwad, learned counsel for respondent No.3-complainant.

5. Mr.Gaware, learned counsel appearing for the applicants has invited our attention to the earlier litigation between the parties. He also invited our attention to the fact that accused/applicant Ankush Kale is a Chairman of a Co-operative Credit Society, in which the son of the complainant was earlier serving and the other two applicants are the office bearers of the said Credit Society. Mr.Gaware, learned counsel for the applicants, by referring the contents of the complaint filed by the Credit Society Jijamata Gramin Bigarsheti Sahakari Patsanstha Maryadit has invited our attention to the fact that son of the complainant was serving as a clerk in the said society and the complaint filed by the society was in respect of misappropriation of the amount by creating the false record by the son of the complainant. In that complaint, the learned Magistrate has passed the order to refer the matter under Section 156(3) of the Cr.P.C. Pursuant to the said order, investigating officer of the crime, after investigation, has submitted a charge sheet for the

offence punishable under Sections 420, etc. read with 34 of the Indian Penal Code.

6. Earlier complaint was filed before registration of the present crime at the instance of the first information report lodged by the respondent No.2. Thus, it is clearly seen that the present first information report is filed by respondent No.2 to counter blast the earlier complaint/charge sheet submitted against the son of the complainant. Furthermore, the allegation stated in the F.I.R. itself appears to be highly improbable because, it is the allegation in the F.I.R. that the present applicant Nos.1 to 3 abused the complainant on her caste that too one by one. Therefore, it *prima facie* appears that present complaint is an outcome of the earlier litigation between the parties.

7. In view of the above, the application needs to be allowed and accordingly it is allowed and the relief is granted in terms of prayer Clause "B".

8. Rule made absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC