

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

**Criminal Application No.4471 of 2013**

- 1) Prakash Ramlal Wani,  
Age 26 years,  
Occupation: Student,  
R/o Near Hanuman Temple,  
Harsool, Aurangabad,  
Taluka & Dist Aurangabad.
- 2) Dhanraj Deochand Harne,  
Age 27 years,  
Occupation: Student,  
R/o Chetna Nagar, Harsool,  
Aurangabad,  
Taluka & District Aurangabad.
- 3) Suresh Vitthal Bakle,  
Age 25 years,  
Occupation: Student,  
R/o Radhaswami Colony, Harsool,  
Aurangabad,  
Taluka & District Aurangabad.
- 4) Prakash Keshav Dudhe,  
Age 24 years,  
Occupation: Student,  
R/o Honaji Nagar, Harsool Road,  
Aurangabad,  
Taluka & District Aurangabad.
- 5) Ramesh Tulshiram Kamble,  
Age 18 years,  
Occupation: Student,  
R/o Chetna Nagar, Harsool,  
Aurangabad,  
Taluka & District Aurangabad. .. **Applicants.**

**Versus**

- 1) The State of Maharashtra,  
Through Investigating Officer,  
Begumpura Police Station, Aurangabad,  
Taluka & Dist. Aurangabad.
- 2) Tulsabai Govindrao Jadhav,  
Age 52 years, Occupation: Household,  
R/o Dikshabhumi Nagar,  
Harsool, Aurangabad,  
Taluka & Dist. Aurangabad. .. **Respondents.**

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Shri. R.V. Gore, Advocate, for applicants.

Ms. V.S. Choudhari, Additional Public Prosecutor, for  
respondent No.1.

Shri. Godhamgaonkar, Advocate holding for Shri. S.G.  
Magre, Advocate, for respondent No.2.

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

**Date: 24 JULY 2018**

**JUDGMENT (Per T.V. Nalawade, J.):**

- 1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of the proceeding of Special Case No.132/2013 pending before the Special Court created under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The case is filed for offences punishable under sections 295,143,336,504 etc.

of Indian Penal Code, section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 7 of Criminal Law Amendment Act.

2) F.I.R. was given by respondent No.2 Tulsabai Jadhav. Allegations are made that in the incident dated 17-6-2012 in the night time present applicants had picked up quarrel with her, they had given abuses to her by taking the name of her caste which is a scheduled caste and they had pelted stones at her house.

3) Affidavits of the witnesses including Tulsabai are filed on the record and they show that they have settled the dispute to maintain harmony. They do not want to lead evidence against the applicants. They have given consent to give relief. There are such affidavits of other witnesses and also of the accused. In view of these circumstances, this Court holds that relief needs to be granted in favour of the applicants. In the result, the application is allowed. Relief is granted in terms of prayer clause (B). Rule is made absolute in those terms.

Sd/-  
**(K.L. WADANE, J.)**  
rsl

Sd/-  
**(T.V. NALAWADE, J.)**