

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

CRIMINAL APPLICATION NO. 4811 OF 2017

Jyoti @ Ashlesha d/o Sahebrao Munde,
Age- 29 yrs, Occ- Household,
R/o- Swarajya Nagar, Beed,
At present R/o- Vadzari, Tq- Patoda,
Dist- Beed.

... APPLICANT

VERSUS

1. The State of Maharashtra,
Through P.S. Shivaji Nagar, Beed.
2. Shivaji s/o Kisanrao Sonawane,
Age- 53 yrs, Occ- Service,
R/o- Swarajya Nagar, Beed,
Dist- Beed.

... RESPONDENTS

(Res. No.2/Orig. Complainant)

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Mr. S. P. Katneshwarkar, Advocate for Applicant.
Mrs. V. S. Choudhari, APP for Respondent No.1 / State.
Mr. A. G. Ambetkar, Advocate for Respondent No.2.

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**CORAM : T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 20th August, 2018.

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

. Rule. Rule made returnable forthwith. By consent, heard both

the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.301 of 2017, registered with Shivaji Nagar Police Station, District Beed, for the offences punishable under Sections 3(1)(x) and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In the FIR given by Respondent No.2, he has made allegations that in one incident dated 8th April, 2017, the present Applicant came to her village and after aligning from auto-rickshaw with her family she gave abuses to the first informant by taking the name of the caste. It is contended that she had become angry as Respondent had already given report against her parents and crime was registered under the aforesaid special enactment. The FIR was given on the same day.

3 The learned APP submitted that police have completed investigation and the police have taken decision to file 'A' summery report. The papers of investigation are perused by this Court.

4 Allegations made against the present Applicant show that it is not probable that the Applicant came to village after hearing about previous incident and after knowing that case was registered against her parents at

the instance of the Respondent. It does not look probable that she invited filing of case, registration of crime against her. Police also could not find any material in support of the allegations made against the Applicant. There is possibility of false implication. In view of these circumstances, this Court holds that relief needs to be granted to the Applicant. In the result, the following order is passed:

ORDER

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

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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