

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 637 OF 2018**

Ram Atmaram Patil	...Applicant
Versus	
Babibai Rama Waghmare & Anr.	...Respondents

Mr. B. B. Tiwari I/b BBT Legal for the Applicant

Mr. Murtuza Najmi I/b Mr. Mehul R. Thakker for the Respondent
No. 1

Mr. Avinash Kamkhedkar, A.P.P for the Respondent No.2-State

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
THURSDAY, 5th JULY, 2018**

P.C. :

1 The above Petition has been filed for quashing of the proceedings being Sessions Case No. 6 of 2015 pending on the file of the Assistant Sessions Judge, Mangaon, District Raigad. The said case has arisen out of FIR No. 20 of 2015 registered on 17th August 2016 with the Roha Police Station, District Raigad, for the offences punishable under Sections 504, 506 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the SC and ST Act' for short).

The cause for filing the FIR is mentioned therein. It is alleged against the Applicant that he used language derogatory of the caste of the first informant.

2 It is not necessary to dilate further on facts as the Respondent No. 1 i.e. the first informant-Babibai Waghmare has filed an affidavit affirmed on 23rd May 2018 in this Court. In paragraph 3 of the said affidavit, she has given her consent to quashing of the proceedings being Sessions Case No. 6 of 2016. The said paragraph 3 is reproduced herein under for the sake of ready reference:

“3. In view of the aforesaid circumstances, I hereby consent to quashing of the said FIR/Charge-sheet being Sessions Case No.6/2015 pending on the file of Sessions Court Mangaon, District Raigad.”

3 The Respondent No.1-Babibai Waghmare is personally present in Court. She is identified by the learned counsel Mr. Murtuza Najmi i/b Mr. Mehul Thakker. She is also identified by her Aadhar Card bearing No. 616999387282. She is accompanied by her husband Rama Sadu Waghmare. When put in the box and queried, she states that she has been read over and explained the contents of her affidavit

dated 23rd May 2018. She states that there is a settlement between her and the Applicant, as a result of which, she does not desire to proceed with the case in question.

4 The Respondent No.1's husband- Mr. Rama Sadu Waghmare, as indicated above, is also personally present in Court. He is identified by his Aadhar Card bearing No. 588178429740. When put in the box and queried, he states that he and his wife are not desirous of proceeding with the case in question.

5 The Applicant-Mr. Ram Atmaram Patil is personally present in Court. He is identified by the learned counsel Mr. Tiwari. He is also identified by his Aadhar Card bearing No. 934238786237. He, at the outset, identifies the Respondent No. 1 as well as her husband. When put in the box and queried, he accepts the factum of settlement between him and the Respondent No. 1. As a result of which, the Respondent No. 1 does not desire to proceed with the case in question.

6 Since the offence alleged is one under the SC and ST Act, a useful reference could be made to the Division Bench Judgments of this Court in the cases of ***Sitaram M. Wagh & Anr. vs. Dist. Supdt. Of Police & Ors.***¹, ***D. G. Bahergaonkar vs. State of Maharashtra & Anr.***², ***Gorakshnath Dattatraya Shinde & Ors. vs. Balasaheb Vanaji Pawar & Anr.***³, wherein in identical fact situation, the powers under Section 482 were exercised for quashing of the FIR/proceedings under the SC and ST Act.

7 In that view of the matter, the above Criminal Application would have to be allowed and is accordingly allowed in terms of prayer clause (a).

8 The Applicant to deposit cost of Rs. 20,000/- with the National Association of Blind, Worli, within six weeks from date. Receipt to be obtained and filed in the Registry.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.

1 2014 All M.R. (Cri.) 1212

2 2010 All M.R. (Cri.) 3114

3 Cri. WP No. 742/2013 dtd. 21.03.2018