

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

**Criminal Application No.136 of 2019**

- 1) Manisha Jeevan Chaudhari,  
Age 47 years,  
Occupation : Household.
  - 2) Jeevan Onkar Chaudhari,  
Age 54 years,  
Occupation: Business.
  - 3) Ramesh Eknath Chaudhari,  
Age 32 years,  
Occupation: Business  
All Residents of Chopda,  
Tahsil Chopda,  
District Jalgaon.
- .. Applicants.**

**Versus**

- 1) The State of Maharashtra  
Through Police Inspector,  
City Police Station, Chopda,  
Taluka Chopda, District Jalgaon.
  - 2) Mangalbai Sanjay Bhil,  
Age 37 years,  
Occupation: Household,  
R/o Sanjay Nagar, Chopda,  
Tahsil Chopda,  
District Jalgaon.
- .. Respondents.**

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Shri. Vinod P. Patil, Advocate, for applicants.

Smt. D.S. Jape, Additional Public Prosecutor, for  
respondent No.1.

Shri. B.R. Warma, Advocate, for respondent No.2.

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**Coram: T.V. NALAWADE &  
K.K. SONAWANE, JJ.**

**Date: 8 JULY 2019**

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

1) Rule, rule made returnable forthwith. By consent heard both sides for final disposal.

2) The proceeding is filed for relief of quashing and setting aside F.I.R. No.118/2018 registered in City Police Station, Chopda, Tahsil Chopda, District Jalgaon for offences punishable under sections 3(1)(r), 3(1)(s), 3(1)(w) etc. of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also for the offences punishable under sections 354, 354-A, 294, 143, 147 etc. of Indian Penal Code.

3) The crime is registered on the basis of report given by one Smt. Mangalbai Bhil who belongs to scheduled tribe. It is her contention that on 6-9-2018 she and other 50 to 60 persons of locality Malharpura of Chopda had gone to the office of Nagar Parishad Chopda

with the grievance that there was no supply of drinking water to their locality. It is contended that they had first approached a councillor by name Kishore Choudhari and Kishore Choudhari had taken them to Chopda Local body for expressing the grievances. It is her contention that when they entered the chamber of Smt. Manisha Choudhari, President of the local body, they noticed that her husband Jeevan Choudhari, Deputy President Sanerbai, one Ramesh Choudhari and 15 to 20 persons were already present there. She has contended that when Kishore Choudhari was making submission about the grievance quarrel started.

4) The informant has made allegation that during quarrel Manisha and her husband started giving abuses to her by taking name of her tribe and she was asked to leave the place. Specific allegations are made that Jeevan had held her with bad intention and due to that she felt molested. Allegations are made that Ramesh Choudhari held other lady Arti in such a way that she felt molested. Allegations are made that threat of life was given and then the President and others who were with her left the office.

It is contended that a representation was handed over to the President by them.

5) This Court has carefully gone through the papers of investigation. There is statement of aforesaid Arti of similar nature. As police constables were present at the place and they had taken photographs of the entire incident and they had done video shooting by using mobile, this Court directed the investigating agency to produce all that record and also statements of the police constables who were present on the spot at the relevant time.

6) The record of independent witnesses shows that without taking permission, the first informant and other 50 to 60 persons which include few ladies had entered the office of the President and they had started quarreling. By using mobile handset, video shooting of this incident was done. The statements of independent witnesses show that the persons who had come there with the informant were shouting loudly and one lady probably Arti was virtually standing on the table of the President.

These persons were using filthy language against the President and others of the local body. Ultimately police somehow took these persons out of the hall. The submissions made show that even when the President and the counsellors went for meeting the persons who had come in *Morcha* gave slogans and abuses against the President and the counsellors. Photographs taken by the constables support the statements of such independent witnesses. The photographs do not show that these two ladies were even touched by the applicants.

7) The submissions made and the record show that, due to aforesaid incident report was given against the persons who had come with the mob by Manisha Choudhari, President, on 12-9-2018 that they had quarreled with the President and other public servants and they had caused damage to the furniture of the local body. It appears that the President had suspicion that even the Chief Officer had joined hands with the persons who had come in mob.

8) The F.I.R. was given by the President on 12-9-2018 and the FIR was given by the present informant on 13-9-2018. This circumstance cannot be ignored. It is clear that as the incident had taken place and there was damage caused to the property there was no other alternative than to give report against the first informant and the persons who had gone there and only after giving of the report by the President of the local body, the report of the aforesaid nature came to be given against the present applicants. This Court has no hesitation to hold that there were no such abuses given but false allegations are made and only due to the aforesaid circumstances after giving of the report by the local body, report is given against the office bearers of the local body. It will be abuse of process if they are asked to face the trial for the aforesaid offences. 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.K. SONAWANE, J.)**

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

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