

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2480 OF 2019

Mr. Ramesh Kailashnath Tiwari & ors. ...Petitioners.

Versus

The Union of India & ors. ...Respondents.

Mr. Kuldeep Patil i/b. Mr. Sagar Kasar, advocate for the Petitioners.

Mr. Anil S. Kamble, advocate for respondent No. 2.

Mr. K.V. Saste, APP for State.

**CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**

DATE : NOVEMBER 4, 2019.

P.C.:

1 Heard respective Counsel.

2 The complainant Respondent No. 4 was present in first half. However, he has not turned up in second half. He has tendered an affidavit practically giving no objection to the case of petitioners.

3 The learned APP has attempted to demonstrate that subject FIR apart from provisions of Section 149, 147 of the Indian Penal Code, also points commission of offence under section 3(1)(4) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

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4 During argument, we find that present petitioners have made settlement and the property involved in subject matter has now been delivered in ownership and possession of Respondent No. 4. His name has also been mutated on it.

5 Learned Counsel for the Petitioners has invited our attention to first information report to urge that in so far as actual transactions in respect of the property are concerned, there is no caste angle to it. We find substance in it. The caste angle has crept in only at the time of meeting allegedly held on 17/9/2018. There, names of 7 persons who attended that meeting are mentioned. The respondent No. 4 has complained that in subject meeting, he was assaulted and also abused in the name of caste. However, it is sufficient for us to note that he nowhere states that the petitioners were present in that meeting. As the Petitioners did not attend that meeting, those averments cannot be used against the petitioners.

6 In this situation, we accept joint request and make rule absolute in terms of prayer clause (b).

(SMT. SADHANA S. JADHAV, J)

(B.P. DHARMADHIKARI, J)

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