

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

CRIMINAL WRIT PETITION NO.4725 OF 2019

Dr. Dadasaheb Bhau Patil	.. Petitioner
Vs.	
State of Maharashtra & Anr.	.. Respondents

.....

Mr.Umesh Mankapure, Advocate for the Petitioner.

Mr.Ajay Patil, APP for Respondent No.1 – State.

Mr.R.A. Naik, Advocate for Respondent No.2.

Ms.Jyoti Shinde, Respondent No.2, present.

.....

**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.**

DATED : SEPTEMBER 23, 2019.

P.C. :

The Petitioner has prayed for quashing the First Information Report (hereinafter referred to as “FIR”, for short) dated 5th September, 2019, registered with Ashta Police Station, District – Sangli for the offences punishable under Sections 3(1) (r) and 3(1)(s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “SCST Act”, for short).

2 In the FIR, it is alleged that the minor son of Respondent No.2 was treated by the Petitioner for high fever and subsequently it was advised that the patient be taken to another hospital where he died. It is alleged that the complainant and other family members approached the Petitioner to inquire about the treatment given to the child and at that time the complainant was abused on the basis of her caste.

3 The Petitioner contends that he is a senior citizen aged about 73 years. There was no negligence on his part while treating the son of the complainant. The family of the Respondent No.2 is taking treatment from the Petitioner since more than 30 years. The inquiry conducted by Civil Surgeon revealed that the Petitioner is not guilty of medical negligence.

4 Respondent No.2 is present in the Court. The Affidavit dated 15th September, 2019 sworn by her has been annexed to the Petition. She is identified by her advocate. In the Affidavit Respondent No.2 has stated that the inquiry conducted against the Petitioner reveal that there is no negligence and that she is satisfied about the same. The Petitioner is treating their family since more than 30 years. Considering that the Petitioner and her family is residing in the same village, to maintain peace, they

have settled the dispute from all ends and she has no objection for allowing the prayer in this Petition.

4 The FIR has been registered for the offences under Sections 3(1)(r) and 3(1)(s) of the SCST Act. Since the parties have amicably settled their dispute and had jointly prayed that the FIR lodged against the Petitioner be quashed, in the facts and circumstances of the case, the prayer for quashing can be allowed.

5 Hence, we pass the following order:

:: ORDER ::

- (i) Writ Petition No.4725 of 2019 is allowed;
- (ii) First Information Report bearing C.R.No.255 of 2019, registered on 5th September, 2019 with Ashta Police Station, District Sangli for the offences punishable under Sections 3(1)(r) and 3(1)(s) of SCST Act, is quashed and set aside;
- (iii) Writ Petition to stand disposed of accordingly.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)