

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1640 OF 2019

Datta S/o. Vyankati Kendre and others	..	Applicants
Versus		
The District Superintendent of Police, Nanded and others	..	Respondents
...		
Mr. Sunil V. Kurundkar, Advocate for Applicants		
Mr. S. G. Sangle, APP for Respondents No.1 and 2		
Mr. R. G. Nirmal, Advocate for Respondent No. 3 (Appointed)		
...		

**CORAM : T. V. NALAWADE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 24th NOVEMBER, 2020

ORDER :-

1. The present proceeding is filed for relief of quashing of First Information Report (FIR) No. 270 of 2018 registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 341 and 506 of the Indian Penal Code and under Section 3 (1)(r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "Act of 1989"). Both the sides are heard.

2. The crime is registered on the basis of report given by Smt. Ranjanabai Hari Bukte. She was working as Anganwadi Assistant in village Umarga (Kho), Taluka Kandhar, District Nanded. Her husband was dead and till the death, he was Police Patil of the village. She had two sons and a daughter at the relevant time. It is her contention that her two Sons were living at Pune and daughter was living with her.

3. She has described one incident dated 10-09-2018 in the report dated 14-09-2018. She has contended that at about 9.30 a.m. on that date, when she was proceeding towards Anganwadi, the persons like Datta Kendre and six others, present applicants, intercepted her and they started abusing her. It is her contention that abuses were given to her on the name of her caste, which is scheduled caste, and accused said to her that they will not allow her to feed children of upper class. In this State, there is mid-day-meal scheme of the Government and in Anganwadi food is cooked and served to children who come to Anganwadi and that work is done by the employee like present informant. It is her contention that, the present applicants said to her that they would not allow her to work in Anganwadi and they would not allow her to live in the village. It is her contention that they gave threats to finish her sons by saying that they were behaving arrogantly against applicants, when the applicants were Patil of village. It is her contention that they gave threats to molest her and they gave threat of life to her in the incident.

4. Initially, the application was given on 14-09-2018 and then her statement came to be recorded on 26-09-2018 and crime came to be registered.

5. This Court has perused the papers of investigation. Papers show that the aforesaid incident was witnessed by many persons like Sudhakar Sonkamble, Ramesh Kendre, Maroti Kendre and others. Thus, for trial there is sufficient material in the papers of investigation.

6. Learned counsel for the applicants submits that on the instigation of some persons, the informant has given false report. Learned

counsel drew attention of this Court to some record like one report given by Police Officer on 10-09-2018. The report was given when there was free fight between two groups of the village and crime came to be registered for the offence punishable under Sections 160 and 324 of the Indian Penal Code. Learned counsel submitted that as Prafulla Hari Bukte, son of present informant is made accused in that crime, false report is given by the informant. This contention is not acceptable as Police Constable gave report against persons of both sides.

7. Learned counsel for the applicants then submitted that the report was given against Hari Bukte and others by Anusayabai Gunthe in the year 2009 and due to that such false report is given. This contention is also not acceptable as last incident had taken place in the year 2009 and present FIR was given in 2018. The husband of the informant is now dead.

8. Learned counsel for the applicant submitted that, the lady, who is managing Anganwadi, has given information that Anganwadi was closed from 01-09-2018 to 30-09-2018, so the contention of the informant that she was proceeding to Anganwadi is false. He submitted that during those days, there was no question of giving mid-day-meal as food grains were not available and so the contention made by the informant is false. This submission is not acceptable. Admittedly, the informant was working as Assistant in Anganwadi. If she says she was proceeding towards Anganwadi on that day for opening Anganwadi, at this stage, this contention cannot be discarded.

9. Learned counsel submitted that muster roll was also not signed by the informant during the relevant period. This contention also cannot be accepted at this stage. The incident took place on the road and it was witnessed by few persons mentioned above. It cannot be said that false report was given and there is no material against the applicants. This Court holds that no relief can be given to the applicants. In the result, Criminal Application stands dismissed.

10. Fees of the appointed Advocate Mr. Nirmal, is quantified at Rs.4,000/- to be paid by High Court Legal Services Authority, Sub Committee, Aurangabad.

Sd/-
[SHRIKANT D. KULKARNI]
JUDGE

Sd/-
[T. V. NALAWADE]
JUDGE

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