

JPP

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

CRIMINAL WRIT PETITION NO. 817 OF 2021

Namdeo Baburao Chopade

... Petitioner

V/s.

The State of Maharashtra and Anr.

... Respondents

Ms. Rekha Musale i/b. Nitin Rajguru for the Petitioner

Mr. J.P. Yagnik, APP for the Respondent - State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 14 DECEMBER 2021

P.C. :-

The Petition is filed for the following relief :-

“(b). By an appropriate writ, order or direction of this Hon’ble Court, the FIR No. 478 of 2019 registered with Walachandnagar Police Station, Indapur, Pune punishable under Section 354, 452, 323, 504, 506 r/w. 34 of the Indian Penal Code and under Section 6 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 3(1)(r)(s)(w)(i) (ii), 3(2)(va) of Amended Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015 and under Section 7(1)(d) of Protection of Civil Rights Act, 1955 against the Petitioners may kindly be quashed and set aside.”

The FIR that is lodged, has led to filing of the charge-sheet.

2. In the charge-sheet statements have been recorded and it is stated that the Petitioner and the Respondent No.2 and her husband owned agricultural field and dispute is going on with them. It is stated that the Petitioner is aware that the Respondent No.2 and her family members belong to scheduled caste. It is stated that on 18 December 2019, the Petitioner and the others came to the house of the Respondent No.2, dragged his wife out of the house and abused her with reference to caste and on account of that a civil dispute was initiated by them. When husband of the Respondent No.2 came to intervene, he was thrown aside and repeatedly abused with reference to their caste.

3. The learned Counsel for the Petitioner submitted that the statement annexed to the charge-sheet would show that there was a civil dispute and this has been the case for which the FIR has been lodged. This submission has no merit. The facts that the dispute was a civil dispute, that at the time of incident as alleged, there was no other witness, that the Respondent No.2 and her husband have given their statements, and the defence of the Petitioner regarding false implications, etc. would be a matter of evidence at the time of trial. It cannot be said that no case is made out at all so as to quash the FIR and the charge-sheet at this stage.

4. The Writ Petition is accordingly rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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Date: 2021.12.18
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