

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO. 259 OF 2015

1. Adv. Sudesh Bhaurao More,
Aged about : 54 years,
Occu : Lawyer / Journalism,
R/o C/o Ramdas Dharmale,
Dayanand Nagar, Anjangaon-Surji,
District - Amravati.

2. Gajendra Pralhadrao Mandlik,
Aged about : 39 years,
Occu : Journalism,
R/o Pan-Atai, Gulzarpura,
Anjangaon-Surji,
District - Amravati.

... **APPLICANTS**

V E R S U S

1. State of Maharashtra,
Through P.S.O. Anjangaon-Surji,
Police Station,
District - Amravati.

2. Vinit Digambar Dongardive,
Aged about : 34 years,
Occu : Councillor,
R/o Waghpora, Anjangaon-Surji,
District - Amravati.

... **NON-APPLICANTS**

Shri K. P. Mahalle, Advocate for the applicants.

Ms. Mayuri Deshmukh, APP for non-applicant No.1-State.

Shri Barun Kumar, Advocate h/f Shri N.B. Rathod, Advocate for
non-applicant No.2.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 03/03/2021.

JUDGMENT : (PER : AMIT B. BORKAR, J.)

1. By this application under Section 482 of the Code of Criminal Procedure, the applicants have challenged First Information Report No.3061/2015 registered by the non-applicant No.1 - Police Station for the offences punishable under Sections 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 of the Indian Penal Code.

2. The First Information Report came to be lodged against the applicants with the accusations that the applicants hurled abuses in the name of caste against the non-applicant No.2. It is alleged in the First Information Report that the applicants have published defamatory statements against the non-applicant No.2.

3. The applicants have, therefore, challenged registration of First Information Report by filing present application. This Court on 21/04/2015 issued notice to the non-applicants. By way of order dated 05/05/2015, it was directed that no coercive steps be taken against the applicant No.1. This Court on 19/07/2016 issued Rule and directed that there shall be stay to all further proceedings.

4. The non-applicant No.1 has filed its reply and has stated that the applicant No.2 hurled abuses in the name of caste against the non-applicant No.2. It is stated that the applicants are not co-operating with the Investigating Officer and therefore, the Investigating Officer is unable to investigate the matter in proper and fair manner. It is further stated that the Investigating Officer has collected material against the present applicants to show their involvement in the crime alleged against them.

5. Learned Advocate for the applicants, on instructions from the applicant No.2 states that the applicant No.2 be permitted to withdraw the application with liberty to adopt appropriate proceedings in case charge sheet is filed against the applicant No.2.

6. We have carefully considered the contents of allegations against the applicant No.1. From the allegations in the First Information Report, it appears that there is no allegation against the applicant No.1 that he had hurled abuses against the non-applicant No.2 in the name of caste. In the context of ingredients of Section 506 of the Indian Penal Code against the applicant No.1, we are satisfied that the contents of offences

alleged against the applicant No.1 are not made out even if the allegations in the First Information Report are accepted.

7. We are, therefore, satisfied that the continuation of proceedings against the applicant No.1 would amount to an abuse of process of Court.

8. We, therefore, pass the following order :-

i] The First Information Report No.3061/2015 dated 03/04/2015 for the offence punishable under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 of the Indian Penal Code is quashed and set aside qua the applicant No.1.

ii] The application of the applicant No.2 is allowed to withdraw present application with liberty as prayed for in Paragraph No.5 of this judgment.

9. Rule is made partly absolute in the above terms.

JUDGE

JUDGE