

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

CRIMINAL APPLICATION (APL) NO.665 OF 2015

Mr. Mangesh S/o. Rangraoji Khawale,
Aged about 33 years,
Occupation – Chief Officer, Chandur Railway,
R/o. Chandur Railway, Dist.- Amravati.**APPLICANT**

----- **VERSUS** -----

1. State of Maharashtra, through its
P. S.O., Chandur Railway Police Station,
District – Amravati.
2. Bandu Pundlikrao Athawale,
Aged about 42 years,
R/o. Chandur Railway,
Dist. - Amravati. **NON-APPLICANTS**

Shri Firdos Mirza, Advocate for the applicant.
Shri S. P. Deshpande, A.P.P for the non-applicant No.1/State.
Shri G.M.Shinde, Advocate h/f Shri S.M.Vaishnav, Advocate for the
Non-applicant No.2.

**CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATE : 02.03.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.
2. By this application under Section 482 of the Code of Criminal Procedure, the applicant has challenged registration of the First Information Report No.3072/2015 registered with the non-

applicant No.1- Police Station for the offence punishable under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Act of 1989”).

3. The First Information Report came to be registered against the applicant with the accusations that the applicant hurled abuses in the name of caste against the non-applicant No.2. It is also alleged that the applicant tried to assault non-applicant No.2 and also threatened to kill non-applicant No.2. The applicant has therefore, challenged registration of the First Information Report by filing the present application.

4. This Court on 16.09.2015, issued notice to the non-applicants and on 20.02.2017, issued Rule and granted interim relief by granting stay to the effect and operation of the First Information Report registered against the applicant.

5. The non-applicant No.1 has filed reply and has stated that during the course of investigation, the Investigating Officer has recorded statements of witnesses which substantiates the case of the non-applicant No.2 and therefore, the prosecution has to be given opportunity to lead evidence in the trial. The non-applicant No.2 has not filed reply.

6. We have carefully considered the allegations in the First Information Report. From the material placed on record by the applicant, it appears that the present applicant had lodged report against the non-applicant No.2 on 22.07.2015. In the report dated 22.07.2015, the applicant has specifically stated that the non-applicant No.2 had threatened him to file a complaint against the applicant implicating him for the offences under the provision of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The impugned First Information Report in the present application is dated 25.07.2015 which is nearly three days after the threat given by the non-applicant No.2 to the applicant.

7. Having considered the allegations in the impugned First Information Report in the light of the threat given by the non-applicant No.2, we are satisfied that the report lodged by the non-applicant No.2 against the applicant, who is Chief Officer of the Nagar Parishad is nothing but the personal vendetta against the applicant as threatened by the non-applicant No.2. The allegations in the First Information Report lodged against the applicant are vague in nature and do not constitute ingredients of the offence under Section 3(1)(x) of the Act of 1989. We are therefore, satisfied that the continuation of prosecution against the applicant would amount to abuse of process of Court.

8. We therefore, pass the following order :

The First Information Report bearing No.3072/2015 registered with the Non-applicant No.1 – Police Station against the applicant for the offence punishable under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is quashed and set aside.

Rule is made absolute in the above terms.

JUDGE

JUDGE

RGurnule