

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 CRIMINAL APPLICATION NO.3290 OF 2022

**BHAUSAHEB ASARAM MISAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. Sagade B.G.
APP for Respondent No. 1 : Mr. S.P. Tiwari

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 16.11.2022.

PER COURT :

The applicants are seeking quashment of Crime No. 317/2022 registered with Gangapur Police Station District Aurangabad for the offences punishable under Section 354A, 506 read with Section 34 of the Indian Penal Code and under Sections 3(1) (za) (A), 3(1) (w), 3(1)(w), 3(1)(2), 3(IV) and 3(V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. The learned advocate for the applicants would submit that they have been falsely implicated. The informant-respondent No. 2 is Headmistress and they have been working as teachers. Without there being any occurrence as narrated in the F.I.R., concocted version has been put up to implicate them. He would submit that she has acted at the behest of the persons incharge of the Management which runs the school. The office bearers had beaten applicant No. 1 about which he had also lodged a complaint, on the basis of which F.I.R. has been registered against these three office bearers. They have acted at her behest and as a counter blast this F.I.R. has been lodged by her belatedly.

3. The learned advocate would further submit that in the F.I.R. lodged by the respondent No. 2 she had stated about the date of occurrence of the incident as 04.08.2022. In the supplementary statement she has changed the version and has improvised by saying that the incident had taken place on 01.08.2022. This in itself is sufficient to reveal falsity in the case. The alleged incident as narrated in the F.I.R. is highly improbable. There are no independent witnesses even though the incident is alleged to have taken place in the school premises. It would be sheer abuse of the process of the Court if the applicants are made to face the trial.

4. The learned A.P.P opposes the application.

5. We have carefully considered the rival submissions and perused the papers.

6. True it is that there is some discrepancy in the F.I.R. and the supplementary statement as regards the date of occurrence of the incident inasmuch as the former states the incident to have taken place on 4th August whereas in the latter statement she has stated it to have occurred on 1st August. According to us, when there are statements of independent witnesses who are residing in the neighbourhood of the school about the occurrence of incident on 01.08.2022, no much importance can be attached to this discrepancy at this stage.

7. As far as the intention of the respondent No. 2 to implicate the applicants are concerned, they have been coming with a version that she has been acting at the behest of the management. The applicants have been strenuously pointing out as to how applicant No. 1 was assaulted by the office bearers and an offence has been registered at his instance regarding that assault. However, if the applicants' version is about the office bearers having acted at the behest of the respondent No. 2 Headmistress or vice versa, there would have been may be a vague statement in their F.I.R. particularly when they have been working in the same school and have been

aware about the alleged politics in which the office bearers had indulged into. The fact remains that there is no whisper about the office bearers having assaulted him because of any instigation by the respondent No. 2.

8. At this juncture, there is absolutely no material to reveal that the allegations in the F.I.R. are false or concocted. Some incident did take place as is stated by the independent witnesses and there is nothing for us to disbelieve the version of the respondent No. 2.

9. The case does not fall in any of the categories laid down in the matter of **State of Haryana and Ors V/s. Bhajan Lal and Ors.: AIR 1992 Supreme Court 604.**

10. The Criminal Application is rejected.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

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