

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

**CRIMINAL APPLICATION (APL) NO. 535 OF 2019**

Mangesh Vishnupant Rahudkar

Aged about 35 years, Occ: Agriculturist,

R/o Balapur, District Akola.

**---APPLICANT**

**---VERSUS---**

1. State of Maharashtra,

Through Police Station Officer,

Police Station, Balapur, District Akola

2. Anita Pramod Dongare,

Aged 48 years, Occ: Hosewife,

R/o Jaibhimnagar, Wadegaon,

District Akola.

**--NON-APPLICANTS**

-----  
Ms Garima Jain, Advocate h/f Shri S.V. Sirpurkar, Advocate for the Applicant.  
Shri S.S. Doifode, Additional Public Prosecutor for Non-applicant No.1/State.  
Shri U.J. Deshpande, Advocate for Non-applicant no.2.  
-----

**CORAM : V. M. DESHPANDE AND  
AMIT BORKAR, JJ.**

**DATE : 11<sup>th</sup> APRIL, 2022.**

**JUDGMENT : (PER - AMIT BORKAR, J.)**

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicant is challenging registration of the First Information Report bearing No.34 of 2019 dated 24.01.2019 registered with the non-applicant no.1 – Police Station for the offence punishable under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The First Information Report (FIR) came to be registered against the applicant with the accusation that applicant abused non-applicant no.2 in the name of caste.

5. This Court on 02.07.2019 issued notices to the non-applicants.

6. During the pendency of the present application, the applicants and non-applicant no.2 have amicably resolved their dispute.

7. Today, applicant and non-applicant no.2 are present in the Court. The non-applicant no.2 has made statement that the matter is amicably settled.

8. We have carefully considered the allegations in the FIR and we are satisfied that the offence alleged against the applicant is not made out even if allegations are taken on their face value.

9. The decision of the Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & anr.* reported in *(2014) AIR SCW 2065*, makes it clear that the Court cannot declare to quash the First Information Report merely because the First Information Report incorporates a particular provision which is a serious offence or offence against society. The Court has to make an endeavour to find out whether the information in the First Information Report indeed discloses the ingredients of such offence and the Court can accept the settlement and quash the report/charge-sheet only after the Court is of the opinion that such an offence is unnecessarily incorporated in the First Information Report/charge-sheet.

10. In view of amicable resolution of dispute between the applicants and non-applicant no.2, there is no impediment for quashing the First Information Report against the applicant.

11. We therefore pass the following order :

- i. The application is allowed.
- ii. Rule is made absolute in term of prayer clause (1), which reads as under:

*“(1) allow the application and thereby quash and set aside F.I.R. No.34/2019 registered at Police Station, Balapur District: Akola(Annexure-I) for offence under*

*Section 3(1)(r) of the Scheduled Castes and  
Scheduled Tribes (Prevention of Atrocities) Act;”*

- iii. The applicant shall deposit an amount of ₹25,000/- (Rupees Twenty Five Thousands only) to the High Court Legal Services Sub-Committee, Nagpur within a period of two weeks from today. In case of failure to deposit the amount as directed, the present order setting aside the FIR stands recalled without further reference to the Court.
- iv. Place this application on 29.04.2022 for compliance.
- v. Pending application(s), if any, stand(s) disposed of.

**JUDGE**

**JUDGE**

*Wagh*