

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

CRIMINAL APPLICATION [APL] No. 643 OF 2017.

1.Diwakar s/o Sonulal Tembhare,
Aged about 65 years, Occupation
Cultivator;

2.Dileshwar @ Dilesh s/o Diwakar Tembhare,
Aged about 42 years, Occupation
Cultivator;

3.Gabbar @ Rajesh s/o Diwakar Tembhare,
Aged about 35 years, Occupation
Cultivator;

4.Pradip @ Bandi s/o Jaiprakash Tembhare,
Aged about 25 years, Occupation
Cultivator;

5.Lalit s/o Jaiprakash Tembhare,
Aged about 28 years, Occupation
Cultivator;

All Nos. 1 to 5, resident of Chutiya,
Tahsil and District Gondia.

...

APPLICANTS.

VERSUS

1.The State of Maharashtra,
through Police Station Officer,
Police Station Gondia (City),
District Gondia.

Rgd.

2.Smt. Manju Prakash Borkar,
Aged 30 years, Occupation Labour,
resident of Chutiya, Gondia,
Tahsil and District Gondia.

... **NON-APPLICANTS.**

Mr. D.V. Mahajan, Advocate for Applicants.
Mr. N.R. Rode, A.P.P. for Non-applicant No.1.
Mr.P.S. Jaiswal, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND

BHARAT P. DESHPANDE, JJ.

DATE : MARCH 14, 2023.

ORAL JUDGMENT (PER , VINAY JOSHI, J.) :

Heard finally by consent of the learned Counsel appearing
for the parties.

Admit.

2. This is an application seeking to quash the first
information report bearing Crime No.470/2017 registered with
Gondia City Police Station, for the offence punishable under Sections
504, 506 of the Indian Penal Code and Sections 3[1][f], [r] and [s]

Rgd.

of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

3. Applicants would contend that reading of the entire first information report does not make out any allegation to constitute the alleged offence. According to them, on the basis of vague information, the report has been lodged.

4. The informant has lodged the report with the police on 14.08.2017, alleging commission of an offence. By and large, the entire report is omnibus and vague. It is stated that the informant is in possession of one pothole used for storing garbage. According to her, applicants are trying to take forcible possession of said premises. In that way, they use to threaten and abuse the informant in the name of caste.

5. The informant has not stated any specific day, date and time as to when applicants have either abused or gave threats. The first information report is totally silent about the actual abuse and the manner in which she has been threatened. Though the State in their reply has stated the specific occurrence as “तुम मेहेरे हो तुम हमारा

Rgd.

क्या करोगे" which does not convey any meaning. The report does not indicate as to at what place the occurrence took place and in whose presence abuses were given.

6. It is apparent that reading of the first information report does not spell out any specific occurrence or any particular allegations against either of applicants. In such circumstances continuation of such prosecution would be an abuse of the process of Court. In view of above, we deem it appropriate to invoke our inherent jurisdiction. Criminal Application is accordingly allowed and disposed of.

7. The first information report bearing Crime No.470/2017 registered with Gondia City Police Station, for the offence punishable under Sections 504, 506 of the Indian Penal Code and Sections 3[1] [f], [r] and [s] of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. is hereby quashed and set aside.

8. Pending misc. applications if any, also stands disposed of.

JUDGE

JUDGE