



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

906 CRIMINAL WRIT PETITION NO. 540 OF 2024

MR. ASHISH PRAMOD GIRI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Jadhav Satej S.

APP for Respondent No. 1 : Mr. N.R. Dayama

Advocate for Respondent No. 2 : Mr. Shinde Shardul G.

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CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.

DATE : 30 APRIL 2024

PER COURT :

Leave granted to amend the prayer clause. Amendment to be carried out forthwith.

2. Heard both the sides.

3. The petitioner by invoking the powers of this Court under Article 226 of the Constitution of India and under Section 482 of Code of Criminal Procedure is seeking quashment of crime registered at the instance of respondent no. 2 in FIR No. 437 of 2023 registered with Upnagar Police Station, Nandurbar, for the offences punishable under Sections 387 of the Indian Penal Code

and Section 3 (1) (r) and 3 (I) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The petitioner and respondent no. 2 have uploaded a settlement arrived at, under their respective signatures and duly affirmed before the Section officer of this Court, *inter alia*, putting to rest the dispute once for all and for quashment of the crime.

5. Learned APP opposes the request on the ground that it is an offence under the special statute. It is only the peculiar facts and circumstances as indicated in *Ramawatar Versus State of Madhya Pradesh*, **AIR 2021 (Criminal) 1501**, that proceedings of this kind could be quashed. There is absence of such peculiar circumstance. It would be an offence having ramification since the utterances and abuses were hurled in public view and the request be refused.

6. We have carefully gone through the decision in the matter of *Ramawatar* (supra) wherein, referring to the observations in the matter of *Ramgopal and another Versus The State of Madhya Pradesh*, passed by Supreme Court in Criminal Appeal No. 1489 of 2012, for the reasons expressly recorded in

paragraph no. 19, after conviction the crime was quashed by resorting to Article 142 of the Constitution of India. Though Section 482 was not expressly under consideration, it was under such a consideration in the matter of *Ramgopal* (supra).

7. Applying the parameters on the lines the Supreme Court has done in *Ramawatar* (supra) in paragraph No. 19, there has been a civil dispute. The incident has taken place near Tahsil Office at Nandurbar. The petitioner and respondent no.2 had indulged in some conversation which turned bitter and in the process the petitioner is alleged to have abused the respondent no. 2 in filthy language and on caste lines. Neither the FIR nor the statement of respondent no. 2 recorded under Section 164 of Cr.P.C. as also similar statements of the witnesses Krishna Dilip Walve and Aminoddin Khaliloddin Shaikh, refer to him being abused much less on caste lines. The statement of respondent no. 2 is vague and omnibus and does not precisely reproduce the words used by the petitioner to ascertain whether those could be regarded as insulting.

8. Besides, the chargesheet contains documents apparently showing the caste certificate of the petitioner

mentioning that he belongs to Gosavi, a Nomadic Tribe. His caste certificate was issued by the competent authority, Nandurbar, which was also a parameter applied by the Supreme Court in *Ramawatar* (supra).

9. In the peculiar circumstances, when the petitioner and respondent no. 2 have decided to bury the hatchet and have reached amicable settlement, in our considered view, the case is squarely covered by the decision in the matter of *Ramgopal* (supra) and *Ramawatar* (supra).

10. Application is allowed. The FIR No. 437 of 2023 registered with Upnagar Police Station, Nandurbar, for the offences punishable under Sections 387 of the Indian Penal Code and Section 3 (1) (r) and 3 (I) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Special Case No. 6 of 2022 are quashed and set aside.

[ SHAILESH P. BRAHME, J. ]

[ MANGESH S. PATIL, J. ]