



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 CRIMINAL APPLICATION NO.2429 OF 2024

1. Dinkar Gangadhar Futane
2. Ravi Dinkar Futane
3. Sudhakar Dinkar Futane
4. Sunita Dinkar Futane

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Police Station Gandhi Chowk,
Latur, Tq. And Dist. Latur.

2. Maruti Hariba Sonawane

.. Respondents

...

Mr. S. C. Swami, Advocate for Applicants.
Mrs. P. R. Bharaswadkar, APP for Respondents – State.

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**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 12 AUGUST, 2024.

ORDER :-

. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the FIR vide Crime No.568 of 2023 and proceedings in Special Case No.11 of 2024 before learned Special Judge, under the Atrocities Act, Latur for the offences punishable under Sections 336, 337, 324, 323, 504,

506 read with Section 34 of Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “Atrocities Act”).

2. Heard learned Advocate for the applicants as well as learned APP for respondent No.1 – State.

3. Perusal of the FIR as well as the entire charge-sheet would show that there is *prima facie* evidence which would attract the offence under which the FIR is registered as well as the charge-sheet is filed.

4. Learned Advocate for the applicants submits that there is a civil dispute pending between the applicants and the employer of respondent No.2 and no such incident as narrated has taken place. Even prior to the FIR, an application was given by the applicants to the police authorities that there is likelihood of registration of the offence against them. The owner by taking advantage of the caste of respondent No.2 lodged a false FIR.

5. All these are the defences those are available to the applicants. Taking into consideration the scope of Section 482 of

the Code of Criminal Procedure, this Court is bound to see whether the material in the form of FIR and the charge-sheet attracts the ingredients of the offence or not. Merely because of the pendency of the civil suit, which appears to be filed about two years prior to the FIR, we cannot jump to the conclusion that the act of lodging FIR is with *mala fide* intention. The case does not fall within the parameters laid down in ***State of Haryana and others v. Ch. Bhajan Lal ; AIR 1992 SC 604***, and, therefore, the application is dismissed at the threshold.

[**ABHAY S. WAGHWASE**]
JUDGE

[**SMT. VIBHA KANKANWADI**]
JUDGE

scm