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

CRIMINAL APPEAL NO.616 OF 2025

Dr. Anil s/o Kisan Vitnor

....APPELLANT

VERSUS

1. The State of Maharashtra,
thr. the Sub Divisional Police Officer,
Shrirampur, Dist. Ahmednagar

2. Priyanka w/o Sanjay Sagalgile

....RESPONDENTS

.....

Mr Subhash S. Nade, Advocate for Appellant

Mr G. O. Wattamwar, APP for Respondent No.1/State

Mr G. J. Pahilwan, Advocate for Respondent No.2

.....

CORAM : SUSHIL M. GHODESWAR, J.

RESERVED DATE : 15 SEPTEMBER 2025

PRONOUNCED ON : 19 SEPTEMBER 2025

ORDER :

1. By this appeal, the appellant is praying for quashing and setting aside the order dated 30/09/2024, passed by the learned Additional Sessions Judge/ Special Judge, Ahmednagar, District Ahmednagar, in Special Case No.337/2023, whereby the said application preferred by the appellant for discharge under Section 227 of the Code of Criminal Procedure was rejected.

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2. The aforesaid application was preferred in Crime bearing FIR No.0995/2023 registered on 01/09/2023 with Rahuri Police Station, District Ahmednagar for the offences punishable under Sections 504 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Atrocities Act'). The FIR came to be lodged at the behest of respondent No.2/ informant (Priyanka Sanjay Sagalgile).

3. The appellant herein is the Dentist by profession and staying at village Manjari, Taluka Rahuri, District Ahmednagar and having his clinic at Takli-Miya, Taluka Rahuri, District Ahilyanagar. In the said Takli-Miya village, the informant alongwith her family resides. The aforesaid Crime No.0995/2023 is registered on 01/09/2023 on the basis of the report lodged by respondent No.2/ informant, stating therein that she is resident of village Takli-Miya, Taluka Rahuri, District Ahmednagar. On 01/09/2025, at around 6:15 in the evening, she had gone to the clinic of the appellant for taking treatment for her toothache alongwith her husband. Her husband dropped her and she alone went to the clinic of the appellant. It is alleged that after having treatment on her toothache, there was verbal

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exchange between the appellant and the informant on paying fees and reaching the clinic lately. According to the informant, the appellant insisted for paying the fees, however, according to her, she informed him that her husband would be paying him after some time. Upon the same, there took exchange of words between them and the appellant alleged to have abused the informant by referring her caste. She alleged to have called her husband Sanjay. Her husband reached the clinic alongwith Surendra Vijay Sangle and Sanjay Gopinath Sagalgile. The informant told the incident to her husband. The appellant also alleged to have abused them by referring to their caste and therefore, the informant has accordingly lodged the report with the Police and the FIR was registered.

4. After the investigation, the Investigating Officer filed charge-sheet. Thereafter, the appellant has filed application for discharge before the learned Sessions Court, which came to be rejected and therefore, the appellant has approached this Court for quashing and setting aside the order of the learned Sessions Court and for discharging him for the offence punishable under Section 504 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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5. Heard learned Advocate Mr Nade for the appellant, learned APP Mr Wattamwar for the respondent No.1/ State and learned Advocate Mr Pahilwan for respondent No.2/informant.

6. According to the learned Advocate for the appellant, the informant has lodged false FIR and the appellant has been deliberately falsely implicated in the crime by the informant. The appellant is not staying in the same village where the informant resides. As such, he is not aware about the caste of the informant. The appellant and his wife are well qualified and as such, they are practicing as a Doctors (Dentists) and never indulged in such a type of criminal activities. According to him, in order to avoid to pay the fees of the appellant, the informant has deliberately filed false FIR. There are adjacent witnesses who have not supported the prosecution. He apparently took me through those statements of the witnesses. Only one witness, namely, Surendra Vijay Sangle, who is known to the informant and also friend of husband of informant, alleged to have witnessed the incidence of abusing on the staircase. However, upon close scrutiny of statement of said witness, there appears different version than the statement given by the informant as regards hurling abuses. The statements of the witnesses are thus contradictory and those who are

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closely related with the informant, they have supported the informant, however, those who were independent, have not stated in accordance with the informant.

7. Mr Nade, learned Advocate for the appellant also submitted before me that the alleged incident of hurling of abuses took place, according to the informant, inside the clinic, and thus, it can not be said to be the spot which is falling under the public view, as no other witness was present there. According to the learned Advocate, there is no *prima facie* offence made out under the provisions of the Atrocities Act against the present appellant.

8. *Per contra*, learned APP Mr Jadhav appearing for respondent No1. /State and learned Advocate Mr Pahilwan appearing for respondent No.2 have vehemently opposed the prayer for discharging the appellant. According to them, the appellant is involved in a serious crime and he has deliberately insulted a woman belonging to the scheduled caste category. The incident took place in front of other members of public and they have supported the prosecution case and as such, learned Sessions Court rightly rejected application of the appellant for discharging him. Therefore, they prayed for dismissal of the instant appeal.

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9. After having heard the learned advocates for the respective parties and after going through the material available on record including investigation papers made available to me, it is to be seen that whether, the ingredients of the FIR do constitute commission of *prima facie* offence against the appellant.

10. In paragraph No.9 of the judgment in ***Vilas Pandurang Pawar and another vs. State of Maharashtra, reported in (2012) 8 SCC 795***, the Honourable Supreme Court has observed that the duty is cast on the Court to verify the averments in the complaint and to find out whether, the offence under Section 3(1) of the Atrocities Act has been *prima facie* made out.

11. In landmark judgment on the issue delivered by the Honourable Supreme Court in ***Shajan Skaria vs. State of Kerala, 2024 SCC Online SC 2249 : 2024 INSC 625***, the guidelines for determining the issue as regards “when can it be said that a *prima facie* case is made out in a given FIR/ complaint?”, has been elaborately discussed. In paragraph Nos.47 and 48 of this judgment, the Honourable Supreme Court has observed as under:-

“47. *Prima facie* is a Latin term that translates to “at first sight” or “based on first impression”. The expression “where no *prima facie* materials exist warranting arrest in a

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complaint or FIR” should be understood as “when based on first impression, no offence is made out as shown in the FIR or the complaint”. This means that when the necessary ingredients to constitute the offence under the Act, 1989 are not made out upon the reading of the complaint, no case can be said to exist prima facie.

48. As a sequitur, if the necessary ingredients to constitute the offence under the Act, 1989 are not disclosed on the prima facie reading of the allegations levelled in the complaint or FIR, then in such circumstances, as per the consistent exposition by various decisions of this Court, the bar of Section 18 would not apply and the courts would not be absolutely precluded from granting pre-arrest bail to the accused persons.”

12. After going through the case laws, it is necessary to examine in such cases, whether, a *prima facie* case is made out against the appellant or not? It is pertinent to note that the appellant and his wife are the Dentists. They are practicing in a village Takli-Miya and residents of village Manjari, Tq. Rahuri, District Ahmednagar. The appellant is having his practice there since many years. The informant appears to have approached the applicant for treatment of her toothache. Her husband dropped her to the said clinic and he left that place. The informant went to the clinic of the appellant. After having treatment, there appears to be verbal exchange of words on account of payment of fees and also reaching the clinic lately. The initial incident of abusing according to the informant took place inside the clinic. Then she appears to have called her husband. Her husband Sanjay

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appears to have asked the other witness, namely, Surendra Vijay Sangle for paying him Rs.500/- as he wanted to pay the fees of the appellant. It also appears that alongwith her husband, the said witness Surendra also reached the spot and they saw that the appellant was quarreling with the informant and when they reached there, they also been given same ill-treatment by the appellant. The prosecution story put forth by the informant is having many loopholes. The incident which is reiterated by the witnesses, who are belonging to the nearby adjacent places, have not supported the version of the informant. On the contrary, they have stated that no allegation of hurling abuses by referring to the caste took place. Those who were accompanying her husband and closely related to the informant, they have supported her case.

13. Thus, there being no independent witnesses in support of the informant, as such, the *prima facie* case cannot be said to be made out against the appellant. The quarrel appears to have taken place on account of non-payment of fees of the appellant and the informant therefore filed the FIR under the provisions of Atrocities Act. Record also shows that the appellant herein also filed report bearing Crime No.0996/2023 against the informant and her relatives for the offence

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punishable under Sections 323, 427, 452, 504, 506 read with Section 34 of the Indian Penal Code. According to the appellant, the informant and her relatives have ransacked properties of his clinic.

14. In view of the aforesaid facts and circumstances, it can be safely concluded that there is no *prima facie* case made out against the appellant and the impugned order passed by the learned Sessions Court is not maintainable. Thus, the instant appeal deserves to be allowed by discharging the appellant. Hence, I pass the following order:

ORDER

- a) The present Criminal Appeal stands allowed.
- b) The impugned order dated 30/09/2024, passed by the learned Additional Sessions Judge, District Ahmednagar, in Special Case No.337/2023, is quashed and set aside.
- c) The appellant is hereby discharged for the offence punishable under Section 504 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[SUSHIL M. GHODESWAR, J.]