



IN THE JUDICATURE OF HIGH COURT AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 977 OF 2022

Vikrant S/o. Vikram Gojamgunde,  
Age : 38 Years, Occu. : Agri.,  
Presently holding the post of  
Mayor, Latur City Municipal  
Corporation, Latur,  
R/o. Manthale Nagar, Latur,  
Tq. & Dist. Latur.

.... Applicant

**VERSUS**

1. The State of Maharashtra,  
Through Police Station Officer,  
Police Station Gandhi Chowk,  
Latur, Tq. & Dist. Latur.
2. The Sub Divisional Police Officer,  
Latur City, Near Police Station  
Gandhi Chowk, Latur,  
Tq. & Dist. Latur.
3. Babalu S/o. Madhukar Gawale,  
Age : 29 Years, Occu. : Driver,  
R/o. Gaurishankar Society,  
Babhalgaon, Tq. & Dist. Latur.

.... Respondents

....  
Advocate for Applicant : Mr. Hanmant V. Patil  
APP for Respondent Nos.1 & 2-State : Mr. A.D. Wange  
Advocate for Respondent No.3 : Mr. S.M. Kamble  
....

CORAM : SMT. VIBHA KANKANWADI &  
SANJAY A. DESHMUKH, JJ.

Dated : 24<sup>th</sup> July 2025

**ORDER [PER SANJAY A. DESHMUKH, J.] :-**

1. Heard learned Advocate for both sides as well as learned APP for the State.

2. This is an application for quashing the First Information Report (hereinafter referred to as “the F.I.R.”) and proceedings in Special Case No.115 of 2021, under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “the Cr.P.C.”), pending before the learned Special Judge/Additional Sessions Judge, Latur, arising out of Crime bearing No.0515 of 2021, registered with Gandhi Chowk Police Station, Latur, Dist. Latur, dated 27.09.2021, for the offences punishable under Sections 143, 147, 149, 336, 324, 323 and 504 of the Indian Penal Code, 1860 (hereinafter referred to as “the I.P.C.”) and Sections 3(1)(r)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Atrocities Act”).

3. Learned Advocate for the applicant pointed out the report dated 27.09.2021, in which respondent No.3/informant averred that since last ten to fifteen days of the incident, grievances in Ward No.5 were communicated to the applicant, who was the Mayor of Latur

Municipal Corporation, by the citizens and requested to resolve it. But the applicant did not pay heed to their complaints. Therefore, citizens in Ward No.5 arranged a movement viz "*Mahapaur Aplya Dari*" on 26.09.2021 at 04.00 p.m. On the said day, the applicant came in the Ward and while the citizens put forth their grievances, on the say of applicant, his supporters tried to put pressure on them. Other co-accused viz. Ibya Akram Borikar, who was supporter of the applicant, abused him in the name of caste. So also, co-accused Jamin Shaikh picked up the stone and threw towards him, thereby assaulted him above the left eye. Therefore, he sustained bleeding injury. Other co-accused and the supporters of the applicant, who were ten in numbers, abused Rohan Dhaware, Akshya Dhaware, Sitabai Ballade, Dipali Dhage, Vidyabai Dhawre and other women in the name of caste and jostled with them. Therefore, he lodged the report on the same day against the applicant and other co-accused.

4. Learned Advocate for the applicant submitted that the applicant is falsely implicated in the present crime. In order to stop the development works carried out by the applicant and to spoil the political career of the applicant, the false FIR has been lodged. The essential ingredients of above mentioned offences are not established against the applicant. If he is compelled to face the trial, it would

certainly be an abuse of the process of the Court. It is lastly prayed to allow the application.

5. Learned APP for the State and learned Advocate for respondent No.2/informant strongly opposed the application and submitted that the applicant and his supporters abused and assaulted the informant in the name of caste. To suppress the voice of people, who was being put forth the grievances of the Ward, the applicant and other co-accused abused the informant and others in the name of caste. There is a specific incident mentioned in the F.I.R. regarding the matter. Thus, no case is made out to exercise the powers under Section 482 of the Cr.P.C. It is lastly prayed to reject the application.

6. We have perused the charge-sheet, particularly the report and statements of witnesses. As per the report, the abuses in the name of caste were hurled by co-accused Ibya Akram Borikar. He is not a party to this application. It is not alleged that the applicant hurled the abuses to the informant and others in the name of caste. In the supplementary statement of the informant, he has stated that the applicant did not abuse him in the name of caste. Therefore, as per law laid in the case of *Hitesh Verma Vs. State of Uttarakhand and Another*, [(2020) 10 SCC 710], wherein the Hon'ble Supreme Court has observed in para.14 that -

*"Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as Swaran Singh & Ors. v. State through Standing Counsel & Ors.<sup>5</sup> The Court had drawn distinction between the expression "public place" and "in any place within public view". It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view. The Court held as under:*

*"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (bycalling him a "chamar") when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a*

*private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies.”*

7. The supplementary statement of the informant dated 16.11.2021 would show that the applicant did not beat him and abuse him in the name of caste. The allegations are made against the other co-accused. Therefore, the essential ingredients of Section 3(1)(r)(s) of the Atrocities Act are not established. As per the law laid down in **Hitesh Verma (Supra)**, there is no material against this applicant that he hurled abuses to the informant.

8. It is not the case of the informant that the applicant jostled with him and beaten him or other witnesses. Co-accused Jamin Shaikh assaulted the informant, however, he is not a party to this application. The supplementary statement of the informant was recorded after a lapse of considerable time of one and a half month.

9. From the report and statements of witnesses, the essential ingredients of Section 143 that the applicant was a member of unlawful assembly as defined under Section 141 of the IPC

punishable under Section 142 of the IPC are not establishing. There is no material to show force or violence on the part of the applicant to establish the essential ingredients of riot by unlawful assembly in prosecution to common object of such assembly as defined under Section 146 of the IPC punishable under Section 147 of the IPC. The common object of the unlawful assembly as contemplated under Section 149 of the IPC is also not establishing. The allegation of endangering of life or personal safety of others as per Section 336 of the IPC are also not establishing against the applicant as there is absence of rash and negligent act to endanger human life or the personal safety on the part of the applicant. Considering the supplementary statement of the informant that this applicant did not beat him, the ingredients of Sections 323 and 324 i.e. voluntary causing hurt and voluntary causing hurt by dangerous weapons and means as well as intentionally insult to provoke the breach of peace punishable under Section 504 of the IPC are not establishing against the accused.

10. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if the applicant is compelled to face the trial, it would certainly be an abuse of the process of the Court. We are, therefore, inclined to exercise our powers under

Section 482 of the Cr.P.C. to quash the report and charge-sheet against the applicant in the interest of justice to prevent the abuse of the process of the Court. The application deserves to be allowed. Hence, the following order.

**ORDER**

- I) The application is allowed.
- II) The First Information Report and proceedings in Special Case No.115 of 2021, pending before the learned Special Judge/Additional Sessions Judge, Latur, arising out of Crime bearing No.0515 of 2021, registered with Gandhi Chowk Police Station, Latur, Dist. Latur, dated 27.09.2021, for the offences punishable under Sections 143, 147, 149, 336, 324, 323 and 504 of the Indian Penal Code, 1860 and Section 3(1)(r)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 stands quashed against the applicant.

**[ SANJAY A. DESHMUKH ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**