



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1376 OF 2025

- 1) Sudhakar Murlidhar Patil,
Age-48 years, Occu:Supervisor,
R/o-Plot No.23, Rambag Colony,
Near Vijay Palp Factory, Amalner,
District-Jalgaon,
- 2) Sanjay Pralhad Patil,
Age-54 years, Occu:Teacher,
R/o-Plot No.43 B, Pimpale Road,
Alhad Nagar, Amalner,
District-Jalgaon,
- 3) Sandip Ashokpuri Gosavi,
Age-43 years, Occu:Teacher,
R/o-Plot No.95/B, Ushai Niwas,
Surbhi Park, Pratap Mill Compound,
Amalner, District-Jalgaon,
- 4) Lalita Vanji Patil,
Age-48 years, Occu:Teacher,
R/o-Plot No.40-41, Mundada Nagar 2,
Dheku Sim Road, Taluka-Amalner,
District-Jalgaon,
- 5) Shital Dilip Desale,
Age-47 years, Occu:Teacher,
R/o-Plot No.14, Shrirang Colony,
Taluka-Amalner, District-Jalgaon,
- 6) Sangita Prakash Patil ,
Age-49 years, Occu:Teacher,
R/o- At Post-Gandhali,
Taluka-Amalner, District-Jalgaon,

- 7) Alka Shivaji Deore,
Age-45 years, Occu:Teacher,
R/o-Plot No.5, Ramrao Shisode Sankul,
Chikote Galli, Amalner, District-Jalgaon

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through In-charge Police Officer,
Amalner Police Station,
Taluka-Amalner, District-Jalgaon,
- 2) Vidya Vasantrao Battise,
Age-45 years, Occu:Service,
R/o-Ranwadi, Near Water Tank,
Taluka-Amalner, District-Jalgaon.

...RESPONDENTS

...
Mr. Kalpesh B. Suryawanshi Advocate for Applicants.
Mr. G.A. Kulkarni, A.P.P. for Respondent No.1.
Mr. A.D. Sonkawade Advocate for Respondent No.2.

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**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 19th AUGUST, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed for quashing the Charge-sheet No.50 of 2025 i.e. the proceedings in Special Case No.22 of 2025, pending before the learned Special Judge under the Atrocities Act/Additional Sessions Judge, Amalner, District-Jalgaon, arising out of the First Information Report (for short

“the FIR”) vide Crime No.46 of 2025, registered with Amalner Police Station, Taluka-Amalner, District-Jalgaon, on 10th February 2025, for the offence punishable under Sections 351(2), 352, 189(2) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short “the Atrocities Act”).

2. Heard learned Advocate Mr. Suryawanshi for the applicants, learned APP Mr. Kulkarni for respondent No.1 and learned Advocate Mr. Sonkawade for respondent No.2.

3. Before we proceed to take the case and the submissions for consideration, the admitted fact is that respondent No.2 – informant and the applicants are the teachers serving in Shivaji High School and Junior College, Tambapura, Amalner.

4. Learned Advocate appearing for the applicants has taken us through the entire charge-sheet including the FIR and submits that the alleged incident is stated to have taken place at 12.30 p.m. on 28th January 2025, wherein the informant has made allegations against applicant No.4 – Lalita, applicant No.5- Shital, applicant No.6 – Sangita and applicant No.7 – Alka. According to the FIR, there were four separate incidences, one in respect of the above applicants in the women room of the school

and the second incident is stated to have taken place in the porch of the school on the way to the headmaster's cabin, third incident is in the cabin of the headmaster and fourth incident is outside the cabin of the headmaster. In spite of alleged four incidences then had taken place on 28th January 2025, the informant had lodged the report with the police on 10th February 2025. There is absolutely no explanation for the delay. In respect of the incident that had allegedly taken place in the women room and the incident in the cabin of the headmaster, it cannot be stated that it would attract the provisions of Section 3(1)(r) and 3(1)(s) of the Atrocities Act, as these two places were not the public places. In respect of all the four incidences, there was no independent witness. Though the headmaster Madhukar Ananda Patil has tried to say that the informant had come to his cabin and made complaint against the applicants, it would be the hear-say statement and according to the headmaster, he had called only applicant Nos.4 to 6, to his cabin and asked about the allegations. Then it is alleged that these applicants had given threats to the headmaster. In fact in the said school there are two groups i.e. two groups of the management and the headmaster as well as the informant are from the other group. The school politics has led to the targeting of the applicants and

the informant has been used by the rival group of the management. Except the alleged headmaster and peon there are no independent witnesses. The peon has only stated that as per the directions of the headmaster, he had called the applicants to the cabin of the headmaster. He has not supported the fourth incident wherein the informant alleges that after she came out of the headmaster's cabin, she had asked the peon Kailas Birhade to give her water and at that time applicant No.4 Lalita and applicant No.5 Shital told him that he should not give water to the informant and should not listen to the work told by her. Everywhere there is exaggeration by the informant. Learned Advocate for the applicants has relied on the complaint application filed by the present applicants with the police station, Deputy Director of Education and Education Officer, Jalgaon dated 17th September 2024, whereby it was told that in all five women employees of the school had made complaint against the headmaster on 18th April 2024, however, the headmaster was instigating the informant to lodge complaint under the Atrocities Act. Such instigation was given on 25th June 2024. On 29th June 2024, those lady members were called in the police station and such incidences may occur in future and therefore, they had prayed for the protection. Earlier, on 5th July 2024, also the

present applicants had made similar complaint application to the District Superintendent of Police, Jalgaon. The apprehension of the applicants came to be proved to be correct when the present FIR has been lodged on 10th February 2025.

5. Learned Advocate for the applicants relies on ***Swaran Singh and others vs. State, through Standing Counsel and another, 2008(8) SCC 435***, in which the difference between the place within public view and public place has been differentiated. It has been observed that:-

“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 gaonsabha or an instrumentality of the State and not by private persons or private bodies.”

6. Learned Advocate for the applicants further relies on the decision in ***Karuppudayar vs. State, represented by the Deputy Superintendent of Police, Lalgudi Trichy and others, 2025 AIR (SC) 705***, wherein it is held that:-

“11. It could thus be seen that, to be a place ‘within public view’, the place should be open where the members of the public can witness or hear the utterance made by the

accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view.”

7. Learned Advocate further relies on the decision in ***Hitesh Verma vs. State of Uttarakhand and another, 2021 Cri. L.J. 1***, wherein it has been held thus:-

“15 As per the FIR, the allegations of abusing the informant were within the four walls of her building. It is not the case of the informant that there was any member of the public (not merely relatives or friends) at the time of the incident in the house. Therefore, the basic ingredient that the words were uttered “in any place within public view” is not made out. In the list of witnesses appended to the charge-sheet, certain witnesses are named but it could not be said that those were the persons present within the four walls of the building. The offence is alleged to have taken place within the four walls of the building. Therefore, in view of the judgment of this Court in Swaran Singh, it cannot be said to be a place within public view as none was said to be present within the four walls of the building as per the FIR and/or charge-sheet.”

8. Learned Advocate for the applicants also relies on the Single Bench decision of Hon’ble Madhya Pradesh High Court, Jabalpur Bench, in ***Ashutosh Tiwari vs. State of Madhya Pradesh, 2023 DGLS (M.P.) 366***, wherein it is observed that the staff room is not a place within public view, therefore, no offence under

Section 3(1)(x) of the Atrocities Act is made out against the petitioners. Abuses, which is said to have been given by the petitioners, are also not in public place. Staff room is not a public place and common public or citizens do not have access to it without permission of the school.

9. Per contra, the learned APP for respondent No.1 and learned Advocate for respondent No.2 strongly opposed the Application and submitted that this Court cannot go into the minute details and cannot have a mini-trial while exercising powers under Section 482 of the Code of Criminal Procedure or Section 528 of the Bharatiya Nagarik Suraksha Sanhita. Now, in the present case the incidences have taken place at four different places in the school but they have connection with each other. The applicants and the informant are working in the same school, therefore, they have knowledge about the caste of the informant. When the informant went to the staff room meant for lady teachers, at 12.30 p.m., on 28th January 2025 and she took a chair to seat; she was objected by applicant Nos.4 and 5. They asked whether the chair belongs to her father and they told that it belongs to them. Informant told that she is also working in the said school and has equal rights and why they are talking in such

manner. Thereafter applicant Nos.5 and 6 abused her in the name of caste and applicant No.7 said that the informant is pretending to be a smart. It would then be decided by the trial Court, as to whether the staff room is public place or not. But, certainly as against applicant Nos.5 and 6 there are allegations that they had uttered abuses in the name of caste. The informant then states that she went crying towards the cabin of the headmaster Mr. Madhukar Ananda Patil, but applicant Nos.1, 2 and 3 who were standing in the porch, started laughing at her and they spitted. They abused her in the name of caste and told that at the most she can go to the headmaster and they abused the headmaster also. This was the second incident. Then in the third incident when the informant was in the cabin of the headmaster, she states that all the teachers came and started abusing her again in front of the headmaster. Threat was given to the headmaster that if he takes the side of the informant then he would be prosecuted. Thereafter informant came out of the cabin while crying and asked for water to the peon and at that time applicant Nos.4 and 5 asked the peon to refuse to give water to her. If such treatment is given wherein the offences under Section 351(2) and 352 of the Bharatiya Nyaya Sanhita are being attracted, then it would attract the ingredients of

Section 3(2) (va) of the Atrocities Act. The learned APP relies on the decision in *Shantabai and another vs. State of Maharashtra, 1981 SCC OnLine Bom 295*, wherein it is held that when such abuses are given in the name of caste then Section 7(1)(d) of the Protection of Civil Rights Act gets attracted. Section 7(1)(d) of the Protection of Civil Rights Act is also a cognizable offence.

10. Here, it is to be noted that as aforesaid, the incidences alleged to have taken place at four different places on the same day, yet there is no immediate reporting. The delay has not been explained in the FIR. We are aware that delay alone cannot be the ground for quashing the FIR and/or the charge-sheet, yet together with other grounds it can be made part of the reason for quashing. The first incident at 12.30 p.m., as aforesaid, had taken place inside the women staff room. The name itself would suggest that only women teachers would be allowed to come and it was not meant for the public. We agree to the observations of the Hon'ble Single Bench of the Madhya Pradesh High Court in *Ashutosh Tiwari vs. State of Madhya Pradesh*, (supra), that staff room is not a public place where the common public or citizens have access. Without permission of the school or the authorities, nobody can enter. Therefore, the said incident does not attract

the offence under Section 3(1)(r) and 3(1)(s) of the Atrocities Act. Second incident is stated to have occurred in the porch of the school where three male teachers alleged to have abused the informant in the name of the caste. Even in the earlier incident the alleged abuses in the name of caste, as well as in the second incident alleged abuses in the name of caste, are stated to have been uttered by more than one persons. To be precise, in the first incident it was uttered by applicant Nos. 5 and 6 and in the second incident it is alleged that it was uttered by applicant Nos.1 to 3. There cannot be abuses in chorus. Abuses are the process of thinking and utterance, which would occur in the mind of a person within fraction of second, one after the other and therefore, when it is alleged by a person that more than one persons are abusing simultaneously (in chorus), it would be an improbability, because more than one persons cannot think alike and utter the same abuses. Even the first as well as second incident will not attract the ingredients of the Section 351(2) and 352 of the Bharatiya Nyaya Sanhita.

11. In respect of third incident, as per the FIR, after the informant went inside the cabin of the headmaster, all the teachers came and in front of the headmaster they started giving

abuses to the informant. She has not narrated as to which abuses were given and that too, by whom. If we consider the statement of the headmaster, Mr. Madhukar Ananda Patil, then it can be said that after the informant has narrated him about first and second incident, he called only applicant Nos.4 to 7 in his cabin and according to him, these applicants had given threats to him. The peon Kailas Birhade says that headmaster had asked him to call all the applicants, but he says that after all the applicants went inside the cabin, he went outside and he does not claim to be present. Thus, there is apparent discrepancy. Headmaster is not supporting the informant that abuses were given by any of the applicant/applicants inside his cabin, to the informant. As regards the fourth incident is concerned, when informant asked peon Kailas Birhade to give water and then it was resisted by applicant Nos.4 and 5, peon Kailas Birhade himself is not supporting. Thus, it can be therefore, seen that the basic ingredients of the offences are not made out in the entire charge-sheet.

12. The applicants were present at the school for discharging their duties and it cannot be said that their presence amounted to unlawful assembly as defined under Section 189 of the

Bharatiya Nyaya Sanhita and making it punishable under sub-Section (2) thereof. Another fact to be noted is that for unlawful assembly, there will have to be assembly of five or more persons at a time. In the first incident there were four lady teachers (applicant Nos. 4 to 7). In the second incident there were three male teachers (applicant Nos.1 to 3). In respect of third incident i.e. inside the cabin of the headmaster, as per the statement of the headmaster and peon, all the teachers were called by the headmaster. When they were allegedly called, there cannot be unlawful assembly.

13. Now, turning towards the point raised by the learned APP that the facts and the material would give rise to invoking the offence under Section 3(2)(va) of the Atrocities Act and Section 7(1)(d) of the Protection of Civil Rights Act is concerned, as aforesaid, none of the offences under the Bharatiya Nyaya Sanhita are getting attracted and therefore, there is no question of Section 3(2)(va) of the Atrocities Act getting attracted. As regards Section 7(1)(d) of the Protection of Civil Rights Act is concerned, except the interested statement of the informant, there is nothing on record. Though the representations dated 5th July 2024 and 17th September 2024 are not forming part of the

charge-sheet, yet it can be seen that the representation dated 5th July 2024, was received by Amalner Police Station on the same day. There is an acknowledgement to that effect and therefore, there is no hurdle in considering that document. It appears that the informant was against the applicants and prima facie it appears that she was being used by the rival group against the applicants and therefore, when the ground is raised that the FIR is nothing but the outcome of the mala fides and wreaking vengeance, then this Court is justified in considering the minute details. Therefore, with these observations, we hold that case is made out for exercise of powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita. Hence, we proceed to pass following order:-

ORDER

(I) The Application stands allowed.

(II) The Charge-sheet No.50 of 2025 i.e. the proceedings in Special Case No.22 of 2025, pending before the learned Special Judge under the Atrocities Act/Additional Sessions Judge, Amalner, District-Jalgaon, arising out of the First Information Report vide Crime No.46 of 2025

registered with Amalner Police Station, Taluka-Amalner, District-Jalgaon, on 10th February 2025, for the offence punishable under Sections 351(2), 352, 189(2) of the Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, stands quashed and set aside as against applicant Nos.1 to 7 i.e. - 1) Sudhakar Murlidhar Patil, 2) Sanjay Pralhad Patil, 3) Sandip Ashokpuri Gosavi, 4) Lalita Vanji Patil, 5) Shital Dilip Desale, 6) Sangita Prakash Patil and 7) Alka Shivaji Deore.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/SEP25