



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

52 CRIMINAL APPLICATION NO. 3568 OF 2024

1. Sunil Murlidhar Ghorpade  
Age 38 years, Occ. Agri.,
2. Sachin Bhausahab Ghorpade  
Age 36 years, Occ. Agri.,
3. Rajendra Bhausahab @ Digambar Nirmal  
Age 39 years, Occ. Agri.,
4. Narayan Murlidhar Ghorpade  
Age 28 years, Occ. Agri.,
5. Somnath Suryabhan Ghorpade  
Age 39 years, Occ. Agri.,
6. Vanita Somnath Ghorpade  
Age 38 years, Occ. Agri.,
7. Shivnath Revaji Ghorpade  
Age 37 years, Occ. Agri.,
8. Shubham Vilas Ghorpade  
Age 39 years, Occ. Agri.,
9. Rohan Balasaheb Nirmal  
Age 41 years, Occ. Agri.,
10. Sanjay Shivaji Kadam  
Age 42 years, Occ. Agri.,
11. Kailash Dhondiram Ghorpade  
Age 44 years, Occ. Agri.,
12. Nandu Govardhan Nirmal  
Age 46 years, Occ. Agri.,

13. Sandip Goraksh Ghorpade  
Age 47 years, Occ. Agri.,
14. Kailash Sonyabapu Ghorpade  
Age 48 years, Occ. Agri.,
15. Nitin Babasaheb Ghorpade  
Age 42 years, Occ. Agri.,
16. Dipak Raghunath Nirmal  
Age 48 years, Occ. Agri.,
17. Balasaheb Raghunath Nirmal  
Age 42 years, Occ. Agri.,
18. Ramakant Bhausahab Pawar  
Age 38 years, Occ. Agri.,
19. Dadasaheb Babasaheb Ghorpade  
Age 42 years, Occ. Agri.,
20. Ashok Bhagwat Ghorpade  
Age 36 years, Occ. Agri.,
21. Sopan Kakoba Nirmal  
Age 39 years, Occ. Agri.,
22. Ravi Sopan Nirmal  
Age 44 years, Occ. Agri.,
23. Ganesh Ashok Nirmal  
Age 47 years, Occ. Agri.,
24. Sagar Ravsaheb More  
Age 26 years, Occ. Agri.,
25. Ganesh Suryabhan Nirmal  
Age 29 years, Occ. Agri.,
26. Sachin Uttamrao Nirmal  
Age 29 years, Occ. Agri.,
27. Dilip Bhagwat Parkhe

Age 28 years, Occ. Agri.,

28. Nandu Popat Parkhe  
Age 36 years, Occ. Agri.,
29. Shekhar Sharad Parkhe  
Age 34 years, Occ. Agri.,
30. Sudhir Rangnath Parkhe  
Age 36 years, Occ. Agri.,
31. Manoj Maruti Parkhe  
Age 36 years, Occ. Agri.,
32. Balasaheb Murlidhar Parkhe  
Age 38 years, Occ. Agri.,
33. Arjun Eknath Ealle  
Age 36 years, Occ. Agri.,
34. Dipak Prakash Parkhe  
Age 42 years, Occ. Agri.,
35. Bhausahab Ravsaheb Daruwale  
Age 47 years, Occ. Agri.,
36. Aditya Bhausahab Daruwale  
Age 47 years, Occ. Agri.,
37. Prakash Laxman Parkhe  
Age 44 years, Occ. Agri.,
38. Surekha Shivnath Ghorpade  
Age 41 years, Occ. Agri.,
39. Jayashri Shivaji Kadam,  
Age 43 years, Occ. Agri.
40. Anita Kailash Ghorpade  
Age 33 years, Occ. Agri.
41. Anita Sandip Ghorpade  
Age 32 years, Occ. Agri.

42. Maya Kailash Ghorpade  
Age 31 years, Occ. Agri.
43. Sarika Nitin Ghorpade  
Age 39 years, Occ. Agri.
44. Namrata Dipak Nirmal  
Age 32 years, Occ. Agri.
45. Kavita Balasaheb Nirmal  
Age 36 years, Occ. Agri.,
46. Snehal Ramakant Pawar  
Age 37 years, Occ. Agri.
47. Jayashri Dadasaheb Ghorpade  
Age 39 years, Occ. Agri.
48. Sangita Ashok Ghorpade  
Age 48 years, Occ. Agri.
49. Kalpana Sopan Nirmal  
Age 42 years, Occ. Agri.
50. Sonali Ravindra Nirmal  
Age 48 years, Occ. Agri.
51. Shrawani Ganesh Nirmal  
Age 41 years, Occ. Agri.
52. Minakshi Bhimraj Nirmal  
Age 47 years, Occ. Agri.
53. Somnath Vasant Nirmal  
Age 48 years, Occ. Agri.
54. Popat Appasaheb Nirmal  
Age 40 years, Occ. Agri.
55. Arjun Vitthal Nirmal  
Age 37 years, Occ. Agri.

56. Ashok Bhanudas Nirmal  
Age 38 years, Occ. Agri.
57. Sunil Vitthal Nirmal  
Age 34 years, Occ. Agri.
58. Ashish Chandrabhan Nirmal  
Age 37 years, Occ. Agri.
59. Ravi Namdeo Ghorpade  
Age 36 years, Occ. Agri.
60. Sandip Vitthal Ghorpade  
Age 34 years, Occ. Agri.
61. Yogesh Dnyandeo Ghorpade  
Age 36 years, Occ. Agri.
62. Vishal Kantiram Nirmal  
Age 30 years, Occ. Agri.
63. Umesh Changdeo Ghorpade  
Age 34 years, Occ. Agri.
64. Suraj Namdeo Nirmal  
Age 30 years, Occ. Agri.
65. Vikas Balkrushna Nirmal  
Age 34 years, Occ. Agri.
66. Mahesh Balasaheb Nirmal  
Age 38 years, Occ. Agri.
67. Dipak Jalindar Nirmal  
Age 30 years, Occ. Agri.
68. Mahesh Annasaheb Nirmal  
Age 30 years, Occ. Agri.
69. Dipak Jagannath Ghorpade  
Age 40 years, Occ. Agri.
70. Abhijit Bhimraj Nirmal

Age 32 years, Occ. Agri.

71. Nikhil Prakash Nirmal  
Age 30 years, Occ. Agri.

72. Lata Balasaheb Nirmal  
Age 30 years, Occ. Agri.

73. Mayur Bhimraj Nirmal  
Age 30 years, Occ. Agri.

All R/o. Nirmal Pimpri, Tq. Rahata ...Applicants  
District Ahmednagar

Versus

1. The State of Maharashtra  
Through Police Inspector  
Loni Police Station, Tq. Rahata  
District Ahmednagar

2. Sharda Sudhakar Kolge  
Age 45 years, Occ. Labour  
R/o. Nirmal Pimpri, Near Swami  
Samarth Temple, Tq. Rahata  
District Ahmednagar ...Respondents

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Advocate for Applicants : Mr. Avinash N. Barhate Patil  
APP for Respondent No.1: Ms. Rashmi P. Gour  
Advocate for Respondent No.2 : Ms. Sunita G. Sonawane  
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**CORAM : SMT. VIBHA KANKANWADI AND  
SANJAY A. DESHMUKH, JJ.  
DATED : 3<sup>rd</sup> JULY, 2025**

**PER COURT :-**

1. The present application has been filed for quashing of F.I.R.  
vide C.R. No. 736 of 2023 dated 07.12.2023 registered with Loni

police station Tq. Rahata, District Ahmednagar for the offences punishable under Sections 143, 144, 147, 148, 149, 323, 427, 352, 435, 448, 504, 506 of I.P.C. and under Sections 3(1)(r), 3(1)(s), 3(1)(z) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter for the sake of brevity referred to as "the Atrocities Act").

2. Heard learned advocate for the applicants, learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2.

3. Learned advocate appearing for the applicants has taken us through the F.I.R. and submits that it is hard to imagine that, all 73 named accused persons and 40 to 50 more would have committed offence in furtherance of their common intention or with common object. In the F.I.R. itself, it is stated that utterance amounting to insult of the member of Scheduled Caste is only by two ladies, by name Latabai Balasaheb Nirmal and Vanita Somnath Ghorpade. Thereafter, it is stated that Vanita Somnath Ghorpade and Shubham Vilas Ghorpade as well as Somnath Suryabhan Ghorpade entered in the house of the informant, snatched the T.V. and damaged it by throwing. Three gunny bags, filled in with wheat, were also thrown out of the house. It is then stated that damage was caused to the shed net, water tank, cot and mattress, which were outside the house

and also to the Tata Magic vehicle, motor cycle, clothes, utensils etc. The present applicants have been falsely roped in. He also points out that applicant No.3 Rajendra Bhausahab @ Digambar Nirmal had made a complaint to Caste Scrutiny Committee, Ahmednagar, thereby challenging the Caste Certificate issued to the informant and by order dated 12.6.2024, the said Caste Scrutiny Committee has cancelled the caste certificate issued to the informant by the Sub Divisional Officer, Shirdi, District Ahmednagar. When the caste certificate itself has been declared invalid, it would be an abuse of process of law if the applicants are prosecuted for the offence under the Atrocities Act. Further, some of the applicants are in fact belonging to the same caste / they are also member of the Scheduled caste and therefore Section 3 of the Atrocities Act will not get attracted against them.

4. *Per contra*, learned A.P.P. for the respondent State as well as learned advocate for respondent No.2 have strongly opposed the application and submit that investigation is still incomplete but the contents of the F.I.R. would show that even the police had arrived at the site and therefore, the possibility of having independent eye witnesses i.e. the police officers cannot be ruled out and therefore, let there be an investigation.

5. It is to be noted that the F.I.R. came to be lodged on 07.12.2023 in respect of incident dated 04.12.2023. The caste certificate of the informant has been invalidated by judgment dated 12.06.2024 i.e. it is a subsequent event. No doubt, a note can be taken regarding the subsequent event, however, at the same time, it has not come on record or the investigating officer may consider this point and would also see as to whether the present informant has challenged the said decision of Caste Scrutiny Committee before this Court. Applicant No. 3 cannot take advantage of the said decision dated 12.06.2024 unless it has achieved finality. At this stage, we will have to go with the statements in the F.I.R. that the informant is a member of the Scheduled Caste.

6. The F.I.R. states that alleged abuses were uttered by accused Latabai and Vanita only. Of course, the Special Judge while framing charge would consider as to which offence has been made out against whom. That does not mean that at this initial stage the F.I.R. can be quashed on that count. The learned Special Judge would also consider if the stage of framing of charge is reached that some of the applicants are also members of the scheduled caste, we would only take a position of law or interpretation thereof into consideration in respect of applicability of Section 3 of the Atrocities Act. Section 3 opens with words whoever not being a member of

Scheduled Caste or Scheduled Tribes. Therefore if the accused alongwith co-accused has been prosecuted but if he himself is a member of Schedule Caste or Scheduled Tribes then the provisions of Atrocities Act will not be applicable to such person. But that cannot be a ground for quashing the F.I.R. against all the persons. It is only matter to be considered by the trial court. Same is the case regarding damage caused to the articles belonging to the informant. Those persons, who were actually responsible for the act, would then be held responsible. Of course, the application of section 34 or Section 149 of I.P.C. and other offences under the I.P.C. would then need to be considered separately.

7. In the F.I.R. itself, it is stated that the police had arrived at the spot of incident immediately after the information was supplied to them and therefore, the police officers, who were present there, may also help the prosecution in getting the evidence as to who was exactly involved in the crime. The evidence appears to be in respect of damages and who was responsible for the same would depend on the evidence and therefore, this is not a fit case, where we should exercise our inherent powers under section 482 of Cr.P.C. The application stands rejected against all the applicants.

**(SANJAY A. DESHMUKH, J.)      (SMT. VIBHA KANKANWADI, J.)**