



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

22 CRIMINAL APPLICATION NO. 4303 OF 2023

Babasaheb S/o Sudhakar Mote,
Age: 51, Occu: Agri.,
R/o: Vadala Bahiroba,
Ta. Newasa, District: Ahmednagar.

... Applicant

Versus

1. The State of Maharashtra
Through: In-charge Police Inspector,
Shani-Shingnapur Police Station, Sonai,
Tq. Newasa, District Ahmednagar.

2. X. Y. Z.

... Respondents

...
Mr. Adinath B. Jagtap, Advocate for Applicant.
Mr. S. A. Gaikwad, APP for Respondent No.1 / State.
Mr. Arvind Gopalrao Ambetkar, Advocate for Respondent No.2.
...

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

DATE : 29th July, 2025.

Per Court:

. Present application has been filed initially for quashing the
FIR vide C.R. No.124 of 2023, dated 20th June, 2023, registered with
Shani-Shingnapur Police Station, Taluka Newasa, District
Ahmednagar, for the offence punishable under Sections 420, 354, 509,

323, 504 and 506 read with 34 of the Indian Penal Code and under Sections 3(1)(w)(i), 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, and later on by way of amendment, for quashment of the proceedings in Special Case No.4 of 2024, pending before the learned Additional Session Judge, Newasa, District Ahmednagar.

2 Heard the learned counsel for the applicant, the learned APP for respondent No.1 / State and the learned counsel for respondent No.2. In order to cut short, it can be stated that all of them have made submissions in support of their respective contentions.

3 Perusal of the FIR and other documents would show that the informant at the most wanted to attribute the offence punishable under Section 420 of IPC against the present applicant, because there are no allegations about outraging her modesty or using criminal force against her or giving threats and abuses as well as using any insulting words against her, in view of her being a member of the Scheduled Caste. The informant has stated in her FIR that the present applicant along with six others, who have been named, were known to her and out of those seven persons, one Dattatraya Mote and others came and told her that one *Bhishi* would be shortly commencing at the shop by name Shri Dattatraya Dresses and they invited her to become a

member of that *Bhishi*. It was then stated that the installment is of Rs.10,000/- and if she takes part in two groups having installment of Rs.20,000/-, then she would get sizable amount. She then states that because of such representation, she became a member and thereafter, she has went on to say that she had given the cheques for the installments and according to her, around Rs.3,35,000/- was withdrawn from her account by one Arjun Mote. When she asked about the accounts of the amount, she was asked to remain present at the said shop. But when she went there and asked about her money, she was refused. Now, from this averment, except the fact that the present applicant was stated to be a member of the said group and was knowing the applicant, there is nothing. Though she has stated that she was instigated by the applicant to become a member, it appears to be improbable, for the simple reason that she was made aware about the scheme and then it was for her to take the decision whether to become a member of such *Bhishi* or not. Even if it is taken for the sake of argument that all the seven persons had gone together and had talked to her, yet in order to attract the ingredients of Section 415 of IPC, role has to be attributed to each and every person and what was the representation made by the present applicant should have been told. The statements of witnesses are on the same line. It is tried to be stated that all the seven members had told about the scheme and then the amount has not been returned to them nor any

benefit appears to have been given, as per their say. The basic ingredients of Section 420 of IPC are not getting attracted as against the present applicant and therefore, it would be an abuse of the process of law if the applicant is asked to face a trial. Case is made out for exercise of our inherent powers under Section 482 of Cr.P.C. Hence, the following order is passed:-

ORDER

- I. The application stands allowed.
- II. The proceedings in Special Case No.4 of 2024, pending before the learned Additional Session Judge, Newasa, District Ahmednagar, arising out of FIR vide C.R. No.124 of 2023, dated 20th June, 2023, registered with Shani-Shingnapur Police Station, Taluka Newasa, District Ahmednagar, for the offence punishable under Sections 420, 354, 509, 323, 504 and 506 read with 34 of the Indian Penal Code and under Sections 3(1)(w)(i), 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, stands quashed and set aside as against the present applicant.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]