

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3968 OF 2024

Vilas Vitthal Kokare	)	
Age: 36 years, Occ: Agriculture	)	
R/o. Survey No. 20/01 Holkar Nagar,	)	
Opp. Tapkeer STD, Ambegaon Pathar,	)	
Bhartiya Vidyapeeth, Pune	)	 Petitioner
V/s.	)	
1. The State of Maharashtra	)	
Through Police Inspector,	)	
Sahakar Police Station,	)	
Pune City, Pune.	)	
2. Swati Uddhav Kamble,	)	
Age: 25 years, Occ: Housewife	)	
R/o.: 8, Vivekanand Colony,	)	
2/A, 3 Plot No.22, Tuljai Pathar,	)	
Dhanakvadi, Pune.	)	
(Original Complainant)	)	 Respondents

Mr. Siddharth R. Ghodke i/b. Mr. Narayan G. Rokade, Advocate
for the Petitioner

Mrs. P.P. Shinde, Addl. P.P., for the Respondent State

Ms. Ankita Ugalmugale i/b. Mr. Rakesh Sonar, Advocate for the
Respondent No.2

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 25TH SEPTEMBER 2025

JUDGMENT (Per Sandesh D. Patil, J.) :-

1. By the present petition, the petitioner seeks quashing of the FIR registered vide C.R. No. 39 of 2024 with the Sahakar Police Station, Pune, alongwith the Chargesheet for the offences punishable under Section 504 and 506 of Indian Penal Code and Section 3 (1)(r), Section 3(1)(s) and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 7(1) (d) of Protection of Civil Rights Act, 1955.

2. The complainant had filed a complaint on 31st April 2024 with the Sahakar Police Station, thereby contending that there is cow shed, where the complainant alongwith her family were rearing cows. It is contended that on 14.01.2024 at about 2 p.m., some persons came in front of their house and started talking loudly amongst themselves; that when the complainant came to see outside, one of the persons disclosed his name, as Vilas Kokare and he further informed the complainant that the possession of the house in which complainant is staying is with him i.e. the Petitioner, Mr. Vilas Kokare. The said person then asked the complainant about the whereabouts of her husband. When the complainant told that her husband is out for work, the Petitioner started abusing and threatening the complainant to vacate the plot. When the complainant informed him that she will call her husband, he started saying that she doesn't know who he was and that one Praful Jain and his wife told him to get the plot vacated. According to the complainant, the Petitioner then abused her in abusive language relating to her caste; and that when the people staying in the locality heard the voice, they gathered near

the house, pursuant to which the Petitioner and others left the spot. The complainant, therefore, lodged an FIR on 31.04.2024 with the Sahakar Police Station, alleging the aforesaid offences.

3. The police after investigation filed the chargesheet. By this Petition, the petitioner seeks quashing and setting aside the FIR. Consequently the Chargesheet filed by the police, by consent.

4. The respondent No.2, who is the original complainant appeared before this Court and tendered her affidavit. The said affidavit is taken on record. In the said affidavit, the Respondent No.2 has stated that she has amicably settled the dispute with the petitioner, and that she has no objection if the FIR and consequently the chargesheet is quashed and set aside. She has further stated that due to a civil dispute, the situation got escalated, and that she has lodged the present FIR. She further stated that after discussion and deliberation with certain persons

from the locality, she has decided to give her consent for quashing of the FIR/Chargesheet.

5. This Court questioned the respondent – complainant as to whether she had given her consent as stated aforesaid, on her own volition and without any coercion, pressure or duress. She replied that she has filed the affidavit on her own free will and after understanding the consequences. She reiterates that contents of the affidavit. Ld. Counsel for the Respondent No.2 has identified the Respondent No.2.

6. The Apex Court in **Gian Singh vs. State of Punjab (2012) 10 SCC 303**, has held that the power of the High Court is of wide plenitude that has no statutory limitation, however, the power has to be exercised with caution; and that the power has to be exercised in order to secure the ends of justice or to prevent the abuse of the process of the Court. It is further observed that the High Court can quash the proceeding, if it comes to the conclusion that because of the compromise between the offender

and the victim, the possibility of the conviction becomes remote and bleak.

7. The Hon'ble Apex Court in **Ramawatar vs. State of Madhya Pradesh** reported in (2021) 10 S.C.R. 499, held as under :-

“16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.”

8. Since the parties have amicably settled their dispute and the Respondent No.2 has given her consent, to the quashing of

the FIR and Chargesheet, we feel that continuing the criminal case would not serve any purpose. Infact, from a perusal of the FIR and Chargesheet, it is doubtful, whether an offence as alleged under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out. Accordingly, the Writ Petition deserves to be allowed.

9. Accordingly, we allow the present Writ Petition and quash and set aside C.R. No. 39 of 2024 registered with the Sahakar Police Station, Pune City, for the offences punishable under Section 504 and 506 of Indian Penal Code and Section 3 (1)(r), Section 3(1)(s) and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 7(1) (d) of Protection of Civil Rights Act, 1955.

10. The petitioner to deposit costs of Rs.50,000/- with the Maharashtra Centre Police Welfare Fund, bearing Account No.914010029005759, IFSC No. UTI B00000060 Axis Bank within a period of two weeks from today.

11. The petition stands disposed of on the aforesaid terms.
12. List the petition for compliance of the order of deposit of costs on **13th October 2025**.

All the concerned parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

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