



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 314 OF 2024

Ramesh S/o Ramkrushna Patil and anr.

Vs.

State of Maharashtra, Thru. PSO, PS City Kotwali, Akola and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.M. Tirukh, Advocate for applicants.

Ms Mayuri Deshmukh, APP for non-applicant No.1/State.

CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATE : 03.04.2025.

The FIR in question bearing Crime No.278/2023 dated 03.11.2023, registered with Police Station City Kotwali, District – Akola, for the offences punishable under Sections 354-A, 294, 323, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989, which is sought to be quashed and set aside by way of the present proceedings filed under Section 482 of the Code of Criminal Procedure.

2. The learned counsel for the applicants submits that the allegations made in the FIR are false and made to

falsely implicate the applicants in the alleged offence. He, therefore, prays for quashing of the FIR.

3. Having gone through the case diary, we find substance in the submission of the learned counsel for the applicants to the extent of non-applicability of the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989 ("the Atrocities Act" for short). From the case diary it is evident that the I.O. has recorded the statements of eye witnesses who falsify the prosecution story, as regards, the offence alleged to have committed by the applicants under the Atrocities Act.

4. Furthermore, as far as other offences are concerned, we find material available on record which *prima facie* constitutes the offence under Sections 354-A, 294, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

5. In that view of the matter, we are not inclined to quash and set aside the FIR in question for the offence punishable under Sections 354-A, 294, 323, 504 and 506 read with Section 34 of the Indian Penal Code. Accordingly, we pass the following order :

ORDER

- i) The application is partly allowed.
- ii) The FIR in Crime No.278/2023 dated 03.11.2023, registered with Police Station City Kotwali, District : Akola, is hereby quashed to the extent only for the offences under the provisions of Sections 3(1)(r), 3(1)(w) (i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989.
- iii) Needless to mention for offences under Sections 354-A, 294, 323, 504 and 506 read with Section 34 of the Indian Penal Code, the application is rejected.

The Criminal Application is **disposed of** accordingly.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)