



Judgment

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.1132 OF 2024

1. Subhash Tukaram Mehasare,
aged about 62 years, occupation retired.
2. Sadhna w/o Subhash Mehasare,
aged about 52 years, occupation service.
3. Bhushan s/o Subhash Mehasare,
aged about 27, years, occupation education.
4. Shubham s/o Subhash Mehasare,
aged about 29 years, occupation education.

All r/o Gayatri Nagar, Mothi Umri,
Akola, taluka district Akola. **Applicants.**

:: V E R S U S ::

1. State of Maharashtra, through
Police Station Officer, Police Station Civil Line,
Civil Line, Akola.
2. Sau.Dipika w/o Sheshrao Tajne,
aged about 46 years, occupation
housework, r/o Gayatrinagar,
Mothi Umri, Akola,
occupation housework. **Non-applicants.**

Shri Abhinandan Karnavat, Counsel for the Applicants.
Shri N.B.Jawade , Addl.PP for NA No.1/State.
Shri Mahesh Rai, Counsel for for NA No.2.

**CORAM : URMILA JOSHI-PHALKE &
NANDESH S.DESHPANDE, JJ.**

CLOSED ON : 14/11/2025
PRONOUNCED ON : 19/11/2025

JUDGMENT (Per : Urmila Joshi-Phalke)

1. The present application is preferred by the applicants for quashing of FIR in connection with Crime No.389/2023 registered under Sections 324, 504, 506m, and 354-A read with 34 of the IPC and under Section 3(1)(w)(I), 3(1)(w)(II), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (the SC ST Act).

2. The applicant Nos.1 and 2 are husband and wife and applicant Nos.3 and 4 are their sons. The crime is registered against them on the basis of a report lodged by non-applicant No.2 alleging that on 24.10.2023, at about 09:00 am and 10:00 am, when she was doing work of dusting at her house in courtyard, applicant No.2

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approached her and started quarreling with her. There was hot exchange of words between them. By hearing their shouts, applicant No.1 came there and outraged her modesty as well as other applicants assaulted her by means of iron rods and pipes. On the basis of the said report, the police registered the crime against the applicants.

3. Heard learned counsel Shri Abhinandan Karnavat for the applicants; learned Additional Public Prosecutor Shri N.B.Jawade for non-applicant No.1 (the State), and learned counsel Shri Mahesh Rai for non-applicant No.2 (the complainant).

4. Learned counsel for the applicants submitted that due to previous dispute between applicants and neighbour, the alleged FIR came to be filed against the applicants. He further invited our attention towards FIR lodged by applicant No.4 Shubham s/o Subhash

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Mehasare and submitted that to give a counterblast to the said FIR, which was prior in time and to give counterblast to the said complaint, the present FIR in question is lodged against the applicants. The applicants are arraigned as accused on the basis of false and frivolous allegations. As far as the offence under the provisions of the SC ST Act is concerned, it is not made out and, therefore, the application deserves to be allowed.

5. *Per contra*, learned Additional Public Prosecutor for the State invited our attention to investigation papers and various statements of witnesses as well as medical certificate which shows that injuries were found on the person of the complainant when she was medically examined. There is specific allegation that applicant No.1 Subhash Tukaram Mehasare has outraged her modesty touching to her breast. The abrasions were found on her chest. Thus, *prima facie* case is made out

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against the applicants. In view of that, the application deserves to be rejected.

6. On hearing both the sides and on going through the entire investigation material with the help of learned counsel appearing for parties, undisputedly, cross complaints are filed against the applicants and the complainant regarding incident took place on 13.10.2023. As far as allegations are concerned, there is specific allegation against applicant Nos.1; 3, and 4. The statement of the complainant is further corroborated by the medical certificate, which shows that the complainant was medically examined in the Civil Hospital on the same day and abrasions were found on her left chest as well as on her right hand. Similarly, blunt trauma on the left shoulder was sustained by her. Though both injuries are simple in nature, considering the allegations levelled, which is substantiated by the medical certificates, a *prima*

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facie case is made out applicant Nos.1; 3, and 4. Though it is alleged that applicant No.2 has abused her, no specific abuses are narrated by the complainant. There is no whisper that she was abused by applicant No.2 on her caste.

7. Basic ingredients to constitute the offence under Section 3(1)(r) of the SC ST Act are; (a) accused person must not be a member of Scheduled Caste or Scheduled Tribe; (b) accused must intentionally insult or intimidate a member of a Scheduled Caste or Scheduled Tribe; (c) accused must do so with the intent to humiliate such a person; and (d) accused must do so at any place within public view.

8. Insofar as applicant No.2 is concerned, admittedly, no offence is made out against her as far as SC ST Act is concerned. However, it is apparent that the applicants were having knowledge as to caste of the

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complainant and, thereafter, the complainant was assaulted by applicant Nos.1; 3, and 4 and applicant No.1 further outraged her modesty by touching her private part.

9. Thus, as far as applicant Nos.1; 3, and 4 are concerned, the offence against them under the provisions of the SC ST Act is made out. However, no case is made out against applicant No.2 either under the provisions of the SC ST Act or under the provisions of the IPC.

10. The law relating to quashing of FIRs has been explained by the Hon'ble Apex Court in the case of **State of Haryana and ors vs. Bhajan Lal and ors, reported in 1992 Supplementary (1) SCC 335** wherein principles have been laid down which are required to be considered while considering applications for quashing of the FIRs, which read as under:

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(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do

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not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

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(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

11. In this view of the matter, we proceed to pass following order:

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ORDER

(1) The Criminal Application is **Partly Allowed**.

(2) FIR in connection with Crime No.389/2023 registered under Sections 324, 504, 506, and 354-A read with 34 of the IPC and under Section 3(1)(w)(I), 3(1)(w)(II), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and consequent proceeding i.e. chargesheet bearing No.38/2024 are hereby quashed and set aside to the extent of applicant No.2 Sadhna w/o Subhash Mehasare.

(3) The prayer of applicant Nos.1; 3, and 4 for quashing of the FIR is hereby **rejected**.

Application stands **disposed of**.

(NANDESH S.DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)