



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

CRIMINAL APPLICATION NO.1509 OF 2024

1. Smt. Chhamanbai wd/o Ranglalji Rane,
aged about 53 years, Occ. Housewife,
r/o Plot No.73, Vaibhav Nagar, Dhaba,
Tq. And Dist. Nagpur.
2. Shri Ranjit s/o Ranglalji Rane, aged
about 33 years, Occ – Labour, R/o Plot
No. 73, Vaibhav Nagar, Dhaba, Tq. And
distr. Nagpur.

... APPLICANTS

VERSUS

1. The State of Maharashtra, through
its Police Station Gittikhadan,
Nagpur, Distt. Nagpur.
2. Sau. Kalpana w/o Sunil Barmase,
Aged about 48 years, Occ –
Housewife, r/o Plot No. 72, Vaibhav
Nagar, Dhaba, Tq. And Distt. Nagpur.

... NON-APPLICANT(S).

Shri A.N. Shinde, Advocate for the applicants.
Mrs Haider, Addl.Public Prosecutor for the State.
Shri Anil M. Gedam, Advocate for non-applicant no.2.

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

DATE : 03.04.2025.

JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of the parties.

3. By this application filed under Section 482 of the Code of Criminal Procedure, the applicants are seeking to quash the criminal proceeding bearing Atro. Special Case No.740 of 2016 pending on the file of District and Sessions Judge, Nagpur and charge-sheet arising out of First Information Report ('FIR') No.475 of 2015 registered with the Gittikhadan Police Station, District Nagpur for the offence punishable under Sections 143, 147, 323, 504 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 ('the Atrocities Act').

4. In short, the case of the prosecution is that non-applicant no.2/informant lodged a police report stating that she and her family members have been residing at Vaibhav Nagar, Dabha, District Nagpur since last three years. However, neighborer family namely Khedekar

and Rane have been harassing them as they belongs to scheduled caste. It is alleged that on 04.10.2015, around 5.00 p.m., when the informant was going to a grocery shop for purchasing groceries, her neighborer Rekha Khedekar, her husband, her daughter and two sons were standing in front of door and they abused her on caste, which resulted in verbal altercations with the family of Khedekar and culminated in a scuffle. At that time, accused persons beaten the informant with fists and blows, and abused her on caste. On the basis of these allegations, offence came to be registered and now, matter is committed to the Sessions Court.

5. The applicants have approached this Court with a submission that co-accused Ajitkumar Rane filed Criminal Application No.1004 of 2023 before this Court in the same offence. In the said matter, this Court quashed and set aside the criminal proceedings registered against him vide judgment and order dated 19.01.2024. As such, the applicants submitted that their case is covered by the said judgment. Accordingly, present application prays to be allowed.

6. The State as well as the learned Counsel appearing for the informant resisted the application by referring the statement of two witnesses about the alleged incident. It is stated that, sufficient

evidence is available against the applicants and therefore, submits that the present application deserves to be rejected.

7. After going through the judgment passed by the co-ordinate bench dated 19.01.2024, it is clear that the applicant Ajitkumar Rane was also the co-accused (accused no.8) in the same offence. This Court in the said matter it is held that even the contents of FIR as well as material collected during the investigation are accepted in its entirety, it does not *prima facie* constitute the alleged offence.

8. Moreover, it is held and observed that applicant has been malafidely implicated with an intention for wreaking vengeance. It is observed that all the allegations are of general in nature and no eye witnesses has stated particular role of applicants and vaguely stated that the act of some neighbors. Hence, it is held that invocation of provisions of the Atrocities Act are not at all attracted in the matter. Accordingly, the crime registered against Ajitkumar Rane (accused no.8) was quashed and set aside.

9. It is admitted fact that judgment of co-ordinate bench is not challenged by the informant before the Apex Court. As such, said judgment has attained finality. In the present case, considering the fact

that co-ordinate bench in an identical matter, after considering the entire record recorded aofresaid findings. Thus, we are of the considered view that finding recorded by coordinate Bench are squarely applicable to the present applicants and hence offence registered against the present applicants is liable to be quashed and set aside. Hence, we proceed to pass the following order :

ORDER

- (a) The Criminal Application is allowed.
- (b) Criminal proceeding bearing Atro. Special Case No.740 of 2016 pending on the file of District and Sessions Judge, Nagpur and charge-sheet arising out of First Information Report ('FIR') No.475 of 2015 registered with the Gittikhadan Police Station, District Nagpur for the offence punishable under Sections 143, 147, 323, 504 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, is hereby quash and set aside.

10. The Criminal Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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