



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

CRIMINAL APPLICATION (APL) NO.636 OF 2024

APPELLANT : 1) **Narayan s/o Asaram Nagre,**
Aged about 35 years, Occupation: Service,
Resident of 45,B, Mitrangan Coloney,
Nandgaonpeth, Amravati, Tahasil and
District Amravati.

..VERSUS..

NON-APPLICANTS : 1) **State of Maharashtra,**
through Police Station Officer, Police
Station Nandgaonpeth, Amravati, District
Amravati.
2) **Vishal Ramkrushna Gajbhiye,**
Aged about 33 years, Occupation: Service
Resident of Kathora Road, Amravati.

Mr. S.Y. Deopujari, Advocate for applicant
Mr. Ganesh Umale, APP for the non-applicant No.1/State
Mr. S.N. Nandeshwar, Advocate for the non-applicant No.2

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

DATE : 16th APRIL, 2025

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard
finally by consent of learned counsel for the respective parties.

3. By the present application filed under Section 482 of

the CrPC, a prayer is made to quash the charge-sheet No.144 of 2023, arising out of the First Information Report No.157 of 2023 dated 27.04.2023 registered with the Police Station, Nandgaonpeth, District : Amravati for the offences punishable under Sections 504, 506(2) read with Section 3(1)(r) and 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. As per the prosecution story, the wife of the informant is running a building construction business and she entered into an agreement for construction of residential house with the applicant. As per the terms and conditions of the contract, the applicant paid Rs.4 Lakhs to the wife of the complainant and it is alleged that against the said payment, the wife of the complainant did work of Rs.18,52,700/-. It is further alleged that on the date of the incident i.e. on 27.04.2023, when the complainant visited the construction site, at that time, he saw that some labours were demolishing the construction without informing the complainant. Therefore, the complainant asked the applicant about the same,

thereupon, the applicant allegedly abused the complainant on his caste. It is alleged that the applicant said that because the complainant belongs to 'Mahar' Scheduled Caste (SC), he does not want to allow him to construct his house. Accordingly, the above referred crime was registered and on completion of the investigation, the charge sheet came to be filed.

5. The learned counsel for the applicant submits that the complaint is frivolous one and to extract more amount from the applicant, a false complaint came to be lodged.

6. He has pointed out that the agreement entered into for the purpose of carrying out the construction, shows that it was between the applicant and Kavikrushna Builders and Developers through Proprietor Dr. Priya Subhashrao Pawar. It is pointed out that Dr. Priya Pawar, is the wife of the complainant, who belongs to the Other Backward Classes (OBC). It is stated that the complainant is nowhere connected with the said agreement of construction, as the work was never assigned to him, as he is serving in the police department. To

substantiate this argument, he has pointed out the information received by him under the Right to Information Act. He therefore, submits that to extract money illegally from the applicant, the complaint is lodged against the complainant. He therefore, prays for quashing of the charge sheet.

7. On the other hand, the learned APP and the learned counsel for the non-applicant No.2, strongly opposed the application. The learned APP submits that if the allegations made in the FIR are taken on its face value, the offence constitutes, as alleged and this Court therefore may not allow the present application.

8. The learned counsel for the non-applicant No.2 in reply submits that though the complainant is in police department, he is not attending his duties from the year 2021 and since then he has been looking after the construction work of the applicant. He further reiterated the submission made by the learned APP and submits that as the offence is made out, this Court may not quash the charge sheet in question.

9. In light of the rival submissions, we have perused the charge sheet. It is evident from the charge sheet that there was an agreement of construction entered into between the applicant and the wife of the complainant. Admittedly, the wife of the complainant is OBC and she is not belonging to SC (Mahar). Nothing is filed on record to show that the wife of the complainant authorized the complainant to look after the construction work of the applicant. There is no document collected by the Investigating Officer during the investigation, to show that any intimation was given to the applicant by the wife of the complainant that her husband would look after the work of construction as he has been authorized by her to do so. In absence of any such authorization or contract between the applicant and the complainant, entering into the property of the applicant by the complainant, is itself not permissible.

10. Moreover, from the record, it is evident that the complainant is serving in the police department and he is under suspension. This fact shows that during the period of suspension, the complainant illegally entered into the property

of the applicant, without any authority.

11. Contrary to the above referred admitted facts, in the report, the complainant stated that he is the contractor and on 06.08.2022, against the agreement between the applicant and his wife, he received Rs.4 Lakhs. He further states that he carried out the construction work of the applicant.

12. From the statements of the witnesses it is evident that they supported the case of the applicant that no such incident has taken place, except the one who support the case of the prosecution.

13. In that view of the matter, since the complaint appears to be vexatious and being filed with an oblique motive, it will not be just and fair to compel the applicant to face the trial. Accordingly, we pass the following order:

- (i) The application is **allowed**.
- (ii) The charge sheet No.144 of 2023, arising out of the First Information Report No.157 of 2023 dated 27.04.2023 registered with the Police Station,

Nandgaonpeth, District : Amravati for the offences punishable under Sections 504, 506(2) read with Sections 3(1)(r) and 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is hereby quashed and set aside qua the present applicant.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)