



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.1161/2025

1. Dyaneshwar s/o Shrikrushana Lahudkar
Age- 40 years, Occu- Agril, R/o Parkhed
Tah. Khamgaon, District- Buldhana.
2. Gajanan s/o Shrikrushana Lahudkar
Age- 29 years. Occu- Agril, R/o Parkhed
Tah. Khamgaon, District- Buldhana.
3. Parmeshwar s/o Shrikrushana Lahudkar
Age-35 years. Occu- Agril, R/o Parkhed
Tah. Khamgaon, District- Buldhana.

... APPLICANTS

...VERSUS...

1. The State of Maharashtra,
Through. Police Station Officer,
Khamgaon (Rural), Tah. Khamgaon
District- Budhana.
2. Sau. Anjali w/o Shivaji Dhage
Age-28 years, Occu- Household,
R/o Parkhed, Tah. Khamgaon,
District- Buldhana.

...NON-APPLICANTS

Shri V.T. Suryawanshi, Advocate with Ms N.J. Kolhe, Advocate for applicants
Shri N.H. Joshi, APP for non-applicant No.1/State
Ms Bhavika Hindustani, Advocate for non-applicant No.2

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

DATED : 20.11.2025

ORAL JUDGMENT (PER : URMILA JOSHI-PHALKE , J.)

Heard. **Admit.** Heard finally with the consent of learned Counsel for the parties.

2. The present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No. 0195/2025, registered with Police Station Khamgaon, District Buldhana, for the offence punishable under Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes Act, 1989 and Section 351(2), 351(3), 352 of the Bhartiya Nyaya Sanhita, 2023.

3. During submissions, learned Counsel for the applicants submitted that he is not pressing the application for the applicant No.1. As far as the applicant No.1 is concerned, the application is disposed of.

4. He submitted that the crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that the informant and the present applicants are residing in front of each

other and on account of the parking of the vehicles, there used to be quarrels on these reasons. On 15.05.2025, there was quarrel on account of trifle reasons. Thereafter, on 03.06.2025 also there was a quarrel and it is alleged that applicant No.1 i.e. the co-accused Dnyaneshwas abused them on their caste. As far as the applicant Nos. 2 and 3 are concerned, it is alleged that they have also abused her on her caste and humiliate and insulted her. On the basis of the said report, police have registered the crime against the present applicants.

5. Learned Counsel for the applicants submitted that as far as applicant Nos. 2 and 3 are concerned, general, omnibus and vague allegation is levelled against them. Moreover, there is no specific allegation that what words are used by the applicant Nos. 2 and 3. As far as allegations as to the abuses on the caste are concerned by referring the caset which are levelled against the co-accused. Merely because the applicant Nos. 2 and 3 are the brothers of the co-accused and therefore they are implicated in the alleged offence on the basis of the omnibus allegations. In view of that application deserves to be allowed.

6. Learned Additional Public Prosecutor and the learned Counsel for the complainant strongly opposed the same and invited our attention towards the recitals of the First Information Report and submitted that there was a specific allegation against the present applicants, as far as the abuses are concerned. In view of that the application deserves to be rejected.

7. On hearing both the sides and on perusal of the recitals of the First Information Report, it reveals that being the applicants and the non-applicant No.2 are neighbours, there used to be quarrels between them on various reasons. As far as incident 15.05.2025 is concerned, it is alleged that some guest had been to the house of the informant and they have used the place in front of the house of the present applicants for urinal purpose, and on that count there was a quarrel between them. It is alleged that at the relevant time, the applicant No.2, i.e. Gajanan has abused them, but there is no allegation that he has abused them on the caste. Only allegation is that he has abused them. The second incident narrated is of dated 03.06.2025, wherein also the general and omnibus allegations are levelled against the present applicants and the abuses on the caste

are attributed to the co-accused.

8. The basic ingredients to constitute offence under Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, are 1) Accused person must not be a member of the Scheduled Caste or Scheduled Tribe 2) Accused must intentionally insults or intimidates member of a Scheduled Caste or a Scheduled Tribe 3) Accused must do so with intent to humiliate a person 4) Accused must do so at any place within the public view.

9. The Hon'ble Apex Court in the case of *Shajan Skaria Vs. The State Of Kerala & Anr. in Criminal Appeal No.2622 of 2024 (arising out of SLP (CRL.) No.8081 of 2023) decided on 23.08.2024*, wherein the Hon'ble Apex Court has considered the ingredients of the offence committed under Section 3(1)(r) of the Atrocities Act. It is held by the Hon'ble Apex Court that all insults or intimidations to a member of the Scheduled Caste or Scheduled Tribe will not amount to an offence under the Act of 1989 unless such insult or intimidation is on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe. The various decisions which are

considered by the Hon'ble Apex Court and it is further held that the purport of the Act of 1989 that every act of intentional insult or intimidation meted by a person who is not a member of a Scheduled Caste or Scheduled Tribe to a person who belongs to a Scheduled Caste or Scheduled Tribe would not attract Section 3(1)(r) of the Act of 1989 merely because it is committed against a person who happens to be a member of a Scheduled Caste or Scheduled Tribe. On the contrary, Section 3(1)(r) of the Act of 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe. We say so because the object behind the enactment of the Act of 1989 was to provide single provisions for punishment of offences which are targeted towards persons belonging to the Scheduled Caste and Scheduled Tribe communities for the reasons of their caste.

10. In view of the above observations if the allegations in the present First Information Report looked into, admittedly, general and omnibus allegations are levelled against the applicant Nos 2 and 3. Thus, *prima facie* case is made out.

11. In view of the observation of the Hon'ble Apex Court in the case of *State of Haryana and others Vs. Bhajanlal and others, 1992 Supp (1) SCC 335*, and more particularly Clause 1, 3 and 7 thereof :

“102.....

(1) 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.

(2) ...

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4)

(5) ...

(6) ...

(7) 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.”

12. No *prima facie* case if made out and in light of the above observations, application deserves to be allowed. We therefore, proceed to pass the following order :

ORDER

1. The application is allowed.
2. The First Information Report in connection with Crime No. 0195/2025, registered with Police Station Khamgaon(Rural), District Buldhana, for the offence punishable under Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes Act, 1989 and Section 351(2), 351(3), 352 of the Bhartiya Nyaya Sanhita, 2023, is hereby quashed and set aside to the extent of applicant Nos. 2 – Gajanan s/o Shrikrushana Lahudkar and 3 - Parmeshwar s/o Shrikrushna Lahudkar.
3. The fees of the appointed Counsel be quantified as per the Rules.
13. The application is disposed of in the above terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..