IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 7479 of 2020

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE P. M. RAVAL

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Approved for Reporting	Yes	No

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MAHESHBHAI CHANABHAI KHUNT & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
RAFIK LOKHANDWALA(5590) for the Applicant(s) No. 1,2
MR SANDIP M PATEL(5649) for the Respondent(s) No. 2
JAY MEHTA APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 09/06/2026

ORAL JUDGMENT

1. By way of the present application, the Applicant has prayed for quashing and setting aside the complaint/FIR being C.R. No. 11213016200424 dated 30.04.2020, registered with Gondal Taluka Police Station, District Rajkot (Rural), for the offences punishable under Sections 448, 323, 504 and 114 of the IPC as well as Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and all consequential, incidental and further proceedings arising therefrom.

2. Learned Advocate Mr. Rafik Lokhandwala would submit

that:-

2.1 The Complainant herein in the impugned FIR was removed from her post of Sarpanch by the Taluka Development Officer, Gondal vide order dated 10.06.2019 which came to be challenged before this Court by way of Special Civil Application No. 9932/2019 which also came to be rejected.

2.2 It is further argued that on 24.04.2020, the applicant no. 1 herein lodged an FIR before the Gondal Taluka Police Station bearing FIR NO. 11213016200379 for offences punishable under Section 506(2) read with Section 114 of the IPC against the son of the Complainant namely Praful Solanki and one Kamleshbhai Gamara.

2.3 It is further contended that on 26.04.2020, a representation against Prafulbhai Mulajibhai Solanki and others was preferred before the Police Sub-Inspector, apprehending that a false complaint would be lodged against the applicant under the Atrocities Act. It is also contended that an application came to be preferred to the PSI, DYSP and SP, Rajkot, inter alia, contending that he was not present on the day of the alleged incident and had also handed over proof to that effect. Thus, it is argued that only out of vengeance, and in view of the removal of the Complainant from the post of Sarpanch pursuant to the no-confidence motion, the present complaint has been lodged with a view to ensuring that the Applicant is falsely implicated. Thus, it is argued that the present application be allowed.

2.4 It is further contended that even if the FIR is considered as

it is, it is evident that the provisions of Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not attracted since the alleged incident did not occur at a place within public view, and thus, it is prayed that the present petition be allowed.

3. Learned Advocate Ms. Avanika Panchal for Mr. Sandip Patel and learned APP for the Respondent State would submit that :-

3.1 The complaint itself discloses the names of Govindbhai Bhundiya and Navghanbhai Bhundiya, who have witnessed the said incident. Therefore, when there is a prima facie case against the Applicant, more particularly, when no allegations in the representations qua the present complainant, Gangaben, are referred to, it cannot be said that the applicant is falsely implicated in the FIR.

3.2 It is further argued that the factum of giving blows to the complainant can be tested on the anvil of the evidence that would be led during the trial; however, it cannot be said that merely because the parties are at loggerheads, the complaint falls within the realm of vengeance, and thus, it is argued that the petition be rejected.

4. Heard learned Advocates for the respective parties.

5. This Court has gone through the documents appended with the Petition, more particularly the FIR lodged by the present applicant, the representation, the complaint under the Atrocities

Act lodged against the present applicant, and the representation with regard to absence of applicant when the alleged incident had allegedly taken place.

6. The Hon'ble Supreme Court in the case of ***Naresh Aneja Vs. State of UP reported in (2025) 2 SCC 604***, has held that in para 18 as under:-

> *"18. It is well settled that when considering an application under Section 482 CRPC, the Court cannot conduct a mini trial but instead is to be satisfied that prima facie the offences as alleged are made out. To put it differently, it is to be seen, without undertaking a minute examination of the record, that there is some substance in the allegations made which could meet the threshold of statutory language."*

In view of the above settled principle of law, this Court is not venturing into a mini trial at the stage of quashing.

7. As far as Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) is concerned, the same reads as follows:-

> *"3(1)(r):- intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;"*

As far as Section 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) is concerned, the same reads as follows:-

> *"3(1)(s): abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any placewithin public view;"*

Thus, for attracting the provisions of Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989), it cannot be said that the alleged offence was committed in public view, as the FIR itself states that the complainant was alone in the house when she was allegedly taken to task and manhandled.

8. Learned Advocate for the Applicant relied on the judgment in the case of ***Karuppudayar Vs. State Rep. By the Deputy Suprintendent of Police, Lalgudi Trichy and others reported in (2025) 1 SCR 1381***. Considering the ratio laid down in the aforesaid judgment and tested on the factual aspects as stated by the complainant itself, it clearly transpires that the provisions of Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) are not attracted, inasmuch as the incident of insulting or intimidating with an intention to humiliate or abusing had taken place within the four corners of the residence. Thus, applying the ratio laid down in the case of Karuppudayar (Supra), Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) are quashed and set aside.

9. As far as Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act), 1989 is concerned: the same reads as under:

> *"3(2)(v): commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with*

imprisonment for life and with fine;

On perusal of the said section, it transpires that the other sections invoked against the present Applicant are Sections 448, 323, 504 and 114 of the IPC, which are not punishable with imprisonment for a term of ten years or more. Under such circumstances, the said section is also not attracted and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) is also quashed and set aside.

11. The investigating officer is at liberty to proceed further qua the other offences in the FIR in accordance with law. It is made clear that neither the investigating agency nor the Trial Court shall be influenced by the findings given by this Court for quashing and setting aside the provisions of the Atrocities Act.

12. In view of the above, the captioned matter is partly allowed. Rule is made absolute to the aforesaid extent.

(P. M. RAVAL, J)

MMP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAHENDRA MOHANBHAI PUROHIT(HCD0074), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 09/06/2026 15:17:27