



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CRIMINAL APPLICATION NO. 2695 OF 2024

Anita Waman Jagtap

VERSUS

The State Of Maharashtra And others

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Mr. Akshay R. Dhore, Advocate for Applicant

Mr. Rajdeep D. Raut, APP for the Respondents-State

Mr. Amol G. Kale, Advocate for Respondent No.3

CORAM : NEERAJ P. DHOTE, J.

Dated : 22nd April, 2026

PER COURT :-

1. This is an application under Section 482 of the Criminal Procedure Code for quashing the FIR bearing Crime No.203 of 2024 registered with Akhada Balapur Police Station, Tq. Kalamnuri, District Hingoli for the offences punishable under Section 504 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and consequential charge-sheet, which is culminated in Special Case No.77 of 2024 pending on the file of learned Additional Sessions Judge, Hingoli.

2. Heard the learned Advocate for the applicant, learned APP for Respondent Nos. 1 and 2/State and learned Advocate for Respondent No.3-informant. With their assistance, perused the papers on record.

(A) It is submitted by the learned Advocate for the applicant that,

the above referred offence is registered for two incidents, dated 25.10.2023 and 28.03.2024, against the applicant and one another. The allegations against the applicant, who is accused no.2 in the said crime, are relating to the incident dated 25.10.2023. There is delay of six (6) months in lodging the report in respect of the said incident dated 25.10.2023. Prior to lodging the FIR, Respondent No.3/informant had submitted a complaint-application with the same Police station on 25.10.2023, wherein, there is no utterance in respect of the incident dated 25.10.2023 as spelt out in the FIR. The Informant had also filed a complaint before the Maharashtra State Scheduled Castes and Scheduled Tribes Commission on 08.11.2023 that no action was taken by the concerned Police station on her aforesaid complaint. The Superintendent of Police, Hingoli had informed the higher authority, a copy of which was also forwarded to the State Scheduled Castes and Scheduled Tribes Commission, that the complaint be closed as no witnesses were made available by the informant. The applicant is Anganwadi Supervisor and the informant is working under her supervision. The applicant had made a complaint with the higher authorities, indicating illegalities and irregularities committed by the informant, while working as Anganwadi Sevika. The said complaint by the applicant was

prior to the FIR. The applicant had also recommended the higher authorities that, the informant be removed from the service due to the illegalities and irregularities committed by her. The FIR was registered with malafide intention and with ulterior motive and the same be quashed and set aside.

(B) It is submitted by the learned APP that, the FIR makes out a prima facie case against the applicant for the offences punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The complaint by the informant to the police station also speaks of harassment by the applicant to her. There is statement of eye witness recorded during the course of investigation. The applicant can very well approach the trial court for discharge. The application be dismissed.

(C) It is submitted by the learned Advocate for Respondent No.3/informant that, the applicant has filed the FIR, which makes out a case against the applicant and the application be dismissed.

3. Needless to state that this application is limited to the extent of the applicant who is accused No.2 in the Crime. Though the FIR speaks of two incidents i.e. dated 25.10.2023 and 28.03.2024, the applicant is shown to have involved/related only in the incident dated 25.10.2023. As per the FIR, on 25.10.2023, while the informant along

with the applicant was proceeding to inspect the Anganwadi room, they reached in front of the old Primary Health Centre at about 11:45 a.m., where Accused No. 1, Shivaji Shamrao Gawande met them. At that time, the applicant stated that, the informant should be removed from her job and abused the informant on her caste. Undisputedly, the informant had submitted a complaint dated 25.10.2023 to the Police Inspector of the Akhada Balapur Police Station. The said complaint-application is completely silent in respect of abuse on caste of the informant by the applicant on 25.10.2023, although in first paragraph of the complaint, vague allegations are made against the applicant without any specifications.

4. Undisputedly, by the communication dated 08.11.2023, the informant had written to the State Scheduled Castes and Scheduled Tribes Commission that no action was taken by the Police machinery on her complaint-application dated 25.10.2023. A copy of the communication dated 09.02.2024 which is at page no. 20, shows that, the Superintendent of Police, Hingoli, informed the Director General of Police that, though notice was issued to the informant for making the witnesses available, the informant failed to make available the witnesses and it is further stated that, no cognizable offence was made out and that the complaint be filed. The papers on record goes to show that, the applicant had written a communication dated 06.04.2024 to

the higher authorities recommending action against the informant.

5. Undisputedly, the aforesaid FIR/crime was registered on the basis of a report filed by the informant after a period of six (6) months. The absence of any overt-act on the part of the applicant in the very first complaint application dated 25.10.2023 made by the informant and the belated report making allegations against the applicant in respect of the incident dated 25.10.2023 and prior complaint by the applicant to the higher authorities against the informant, clearly indicate that, the report upon which the aforesaid crime is registered is malafide and out of vengeance.

6. There cannot be any dispute in respect of the principles laid down in respect of exercising the powers under section 482 Cr.P.C. The reliance can be placed on the decision of the Hon'ble Supreme Court in the case of **State of Haryana Vs. Bhajan Lal and others reported in AIR 1992 SC 604**, wherein the following principles are stated:

"(1) Whether 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) Where the allegations in the first information report and other materials, if any, accompanying the FIR 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.

(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) 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.

(5) 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.

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

(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.”

7. In the light of the above discussion and the above principles, in my considered view, this a fit case to exercise the powers under Section 428 of Cr.P.C. Hence, the following order:

ORDER

The Criminal Application is allowed only as against Accused No. 2/applicant, in terms of prayer clauses (B), (B-1), and (B-2), which reads as under:

- [B] By appropriate order or direction, FIR/Crime No. 203/2024 registered with Akhada Balapur Police Station, Tal. Kalamnuri, Dist. Hingoli dated 08.04.2024 for offences punishable under Section 504 r/w. 34 of IPC and offence under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Prevention of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 may please kindly be quashed and set aside and for that purpose appropriate orders may kindly be passed.
- [B-1] By appropriate order or direction, the charge-sheet bearing dated No.1984600124020301/2024 dated 09.07.2024 filed by respondent No.1 and case registered thereon as Special Case No.77/2024 for offences punishable under Sections 504 r/w. 34 of L.P.C. and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Prevention of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending before the District Judge-1 and Additional Sessions Judge, Hingoli may kindly be quashed and set aside and for that purpose appropriate orders may kindly be passed.
- [B-2] By appropriate order or direction, the Cognizance dated 28/08/2024 taken by the learned Additional Sessions Judge,

Hingoli may kindly be quashed and set aside in Special Case No. 77/2024 pending before the learned Additional Sessions Judge, Hingoli.

(NEERAJ P. DHOTE, J.)

JPChavan