



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 CRIMINAL APPLICATION NO. 4411 OF 2024

Ashok Laxmanrao Devkatte

VERSUS

The State Of Maharashtra And Another

...

Mr. Mantri Suraj Rajendra, Advocate for Applicant

Mr. S. M. Ganachari, APP for Respondent State

Ms. Sonali Veer, Advocate for Respondent No.2 (Appointed)

CORAM : NEERAJ P. DHOTE, J.

Dated : 10th June, 2026

PER COURT :-

1. This is an Application under Section 482 of the Criminal Procedure Code with the following prayers:-

(A) The Criminal Application may kindly be allowed.

(B) By allowing this Criminal Application, the applicant may kindly quash and set aside the FIR bearing Crime No.0202/2024 registered on 24.09.2024 with Jalkot Police Station, Dist. Latur for the offences punishable under Sections 115 (2), 352, 351 (2) of BNS r/w Section 3 (i) (r), 3 (i) (s) of S. C. & S. T. Act and for that purpose necessary orders be passed.

(B-1) By allowing this Criminal Application, the proceeding i.e. Special Case No.57/2024 pending before the learned Additional Sessions Judge, Udgir, Dist. Latur may kindly be quashed and set aside.

(C) Pending hearing and final disposal of this Criminal Application, kindly grant stay to the further proceeding in connection with

FIR bearing Crime No.0202/2024 registered on 24.09.2024 with Jalkot Police Station, Dist. Latur and for that purpose necessary orders be passed.

(C-1) Pending hearing and final disposal of the present Criminal Application, the further proceeding i.e. Special Case No.57/2024 pending before the learned Additional Sessions Judge, Udgir, Dist. Latur may kindly be stayed

(D) Pending hearing and final disposal of this Criminal Application, kindly direct the respondent No.1 not to file the charge sheet against the present applicant in connection FIR bearing Crime No.0202/2024.

2. The aforesaid crime is registered on the report lodged by Respondent No.2 that, on 08.09.2024, around 6.00 p.m, the Applicant phoned Respondent No.2 and called him at one place known as Captain Chowk, Udgir. The Respondent No.2 went to the said spot. The Applicant was already present at the said spot. The Applicant asked Respondent No.2 to accompany him to settle the dispute by going to Mukhed. The Respondent No.2 accompanied the Applicant. On the way to town Jalkot, the Applicant stopped the motorcycle around 7.30 p.m. and abused Respondent No.2 on his caste and slapped him. The Applicant also threatened Respondent No.2. On the basis of said report, the aforesaid crime came to be registered.

3. It is submitted by the learned Advocate for the Applicant that, the said false report is lodged at the instance of the owner of the

adjacent agricultural land. There is no witness to the said incident and the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not attracted. The Applicant has no antecedents. He submitted that the Application be allowed and the criminal proceedings be quashed and set aside.

4. It is submitted by the learned APP and learned Advocate for Respondent No.2 that, the FIR clearly makes out the offence for which the crime is registered. The FIR and the supplementary statement of the Informant clearly shows that, the Applicant was with the Informant. The Respondent No.2-Informant belongs to Scheduled Caste. There is caste certificate in support of the prosecution's case. The incident took place within public view so as to attract the offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. There is no merit in the Application, and the same be dismissed.

5. A perusal of the FIR shows that, it is the categorical case of Respondent No. 2-Informant that, on 08.09.2024, he was assaulted and abused on caste by the Applicant on the National Highway while he was accompanying the Applicant on the motorcycle. Date of the offence and the place of occurrence are mentioned in the FIR. The Applicant is named as the accused. The utterance of caste abuse also finds place in the FIR. The material on record i.e. Spot Panchanama

supports the case of spot of incident. The Caste Certificate shows that Respondent No.2 belongs to Scheduled Caste. Considering the case of prosecution, prima facie case exists against the Applicant for which he has been prosecuted. No case exists to exercise the powers under Section 482 of the Criminal Procedure Code. Hence, the following order:-

O R D E R

- (1) The Application is dismissed.
- (2) Fees of the appointed Advocate Ms. Sonali Veer is quantified to Rs.5000/- (Rupees Five Thousand only), to be paid by the Legal Services Sub Committee, High Court, Aurangabad.

(NEERAJ P. DHOTE, J.)