



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1988 OF 2025

Umesh Shivling Ayya,
Age: 50 yrs, Occ: Service as Assistant Teacher,
R/o. Ravivar Peth at Post Tisgaon,
Dist. Ahilyanagar. ..Applicant

Versus

1. The State of Maharashtra
Through Pathardi Police Station,
Tq. Pathardi, Dist. Ahilyanagar
in Crime No.0406/2024.
2. XYZ ..Respondents

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Mr. Ajinkya Reddy, Advocate for Applicant.
Ms. R. R. Tandale, APP for Respondent-State.
Mr. A. G. Ambetkar, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th APRIL, 2026.

JUDGMENT:-

1. The applicants seeks quashment of FIR No.406/2024 registered with Pathardi Police Station, Dist. Ahilyanagar for offence punishable under Section 354-D, 506 r/w 34 of Indian Penal Code and Sections 3(1)(w)(i), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as consequential proceeding in Special Case No.7/2025 pending before Special Judge cum Additional Sessions Judge, Ahmednagar.
2. The investigation was set in motion on the basis of information given by respondent no.2. Although FIR runs in seven

pages, summary of FIR which is relevant to consider prayer in this application can be stated as under:

The respondent no.2 is employed as Teacher at Zilla Parishad School, Dehere. On 29.05.2018, she was transferred to Zilla Parishad School, Lohsar where accused no.1-Vijay was working as Teacher, whereas applicant no.2/accused was Headmaster. On her joining, she got acquaintance with accused Vijay. The accused Vijay was keeping ill-eye towards her. However, she never responded to him. Thereafter, accused Vijay created circumstances by which informant was declared as surplus. She alleges that applicant/accused, who was Headmaster shown incorrect strength of students at school for Academic Year 2019-2020 and 2020-2021. Eventually, she was declared as surplus. She further alleges that on 01.05.2021 her husband was transferred to Zilla Parishad School at Joharwadi. However, applicant and accused no.1-Vijay pressurized him for not accepting transfer. Rest of allegations are concentrated against accused no.1 and lastly it is alleged that applicant posted defamatory material against her.

3. The aforesaid information culminated into registration of FIR against in all four accused persons including applicant. On completion of investigation, charge-sheet has been filed and it appears that, Special Case No.7/2025 is pending before Special Judge cum Additional Sessions Judge, Ahmednagar.

4. Mr. Ajinkya Reddy, learned Advocate appearing for applicant submits that allegations in FIR would not constitute any offences against applicant. He points out that allegations of stalking or criminal intimidation are only against accused no.1-Vijay. So far as offence under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act is concerned, applicant cannot be prosecuted, as he himself is a person belonging to Scheduled Caste. The caste validity certificate is made part of charge-sheet.

5. Per contra, Mr. Ambetkar, learned Advocate appearing for responded no.2 and Ms. Tandale, learned APP appearing for respondent no.1/State submit that there is sufficient material to relegate applicant for trial.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of charge-sheet, it is discernible that accused persons are charge-sheeted for offences punishable under Sections 354-D, 506 r/w 34 of Indian Penal Code and Sections 3(1)(w)(i), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Section 354-D provides “*punishment for stalking*”. To make out offence, it has to be established that “*accused followed victim or contacted, or attempted to contact to foster personal interaction repeatedly despite clear indication or disinterest by such victim or monitors use of internet, email.*” However, from averments of FIR and evidence

collected during course of investigation, no such ingredients are discernible as against applicant. Similarly, allegations in FIR are bereft to make out ingredients of criminal intimidation as against applicant.

7. So far as offences under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act are concerned, it can be observed that applicant himself is person belonging to Scheduled Caste. The certificate of validity has been issued in his favour by Competent Committee, which supports contentions of applicant that he belongs to Scheduled Caste.

8. The applicant is serving as Headmaster of Zilla Parishad School. In this backdrop, in absence of material to make out ingredients of alleged offences, relegating applicant for trial would be abuse of process of law.

9. At this stage, reference can be made to guidelines laid down by Supreme Court in case of ***State of Haryana and Ors. Vs. Ch. Bhajan Lal and Ors.***¹, particularly on reference to paragraph no.102, this Court finds that “*when allegations made in First Information Report, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out case against accused or evidence collected in support of same do not disclose commission of any offence, this Court can*

¹ AIR 1992 SC 604.

exercise inherent powers to prevent abuse of process of any Court and secure ends of justice.”

10. In result, case is made out to allow application and accordingly, same is allowed in terms of prayer Clauses (B), (D) and (F).

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026