



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 CRIMINAL APPLICATION NO. 2809 OF 2025

1. Shantveer Manmanthappa Mule,
age 56 years, Occ. Business and agri,
R/o Uday Nagar, Udgir, Tq. Udgir,
District Latur.
 2. Sunil S/o. Shivraj Mule,
age 37 yrs, Occ. Teacher,
R/o Mule Nagar, Udgir, Tq. Udgir,
Dist. Latur
- Applicants

VERSUS

1. The State Of Maharashtra
through Udgir Gramin (B) Police Station,
Tq. Udgir, Dist. Latur in crime no.391 of 2023.
 2. Kanhayya s/o Vitthalrao Kamble,
age 45 yrs, Occ. Labour,
R/o Sanjaynagar, Somnathpur,
Tq. Udgir, Dist. Latur.
- Respondents.

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Advocate for Applicants : Mr. Ajinkya Reddy
APP for Respondents: Mr. S.D. Ghayal
Advocate for Respondent 2 : Mr. Suraj R. Mantri (appointed)
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 27, 2026

PER COURT :-

1. Present application is filed with following prayers :-
 - “B. The FIR in Cr.No.0391 of 2023 registered at Udgir Rural Police Station, Tq. Udgir, District Latur for offences punishable under sections 3(1)(r),3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and

Sections 324, 323, 504, 34 of the Indian Penal Code 1860 may kindly be quashed and set aside.

- C. The proceedings bearing Special Case No.63 of 2023 pending before the learned Special Judge, Udgir, Tq. Udgir, District Latur may kindly be quashed and set aside against the applicants.
- E. Charge-sheet in the case bearing Special Case No.63 of 2023 pending before the learned Special Judge, Udgir, Tq. Udgir, District Latur in Crime No.FIR No.0391 of 2023 registered at Rural Police Station, Udgir, Tq. Udgir, Dist Latur may kindly be quashed and set aside.
- G. The order dated 22.3.2024 passed by the learned Additional Sessions Judge, Udgir of taking cognizance and issuing process to applicant may kindly be quashed and set aside and the proceedings bearing Special Case No.63 of 2025 pending before the learned Additional Sessions Judge, Udgir may kindly be quashed and set aside against the applicants.”

2. Learned advocate appearing for the applicants seeks leave to correct the prayer clause. Leave granted. Correction be carried out forthwith.

3. Heard learned advocate appearing for the respective parties. I have gone through the FIR and charge-sheet.

4. Learned advocate appearing for the applicants invited attention of this Court to the order dated 22.4.2025 passed by the Division Bench of this Court in Criminal Application No.3244 of 2023, which was filed by the co-accused persons in

crime no.391 of 2023. This Court observed in paragraph nos.

5 and 6 as under :-

“5. At the outset, important point to be noted is that informant is not owner of said land admeasuring 27 R from Gat No.56/A situated in Malkapur, Tq. Udgir. But he says that around 8.30 p.m. on 16.05.2023, when he had gone to the field owned by brother, he found present applicants there, who were making construction along with some unknown persons. Therefore, he raised the objection regarding the presence of accused persons and asked them not to go ahead with the construction. Thereupon, present applicants gave abuses in the name of caste. Thereupon informant asked them not to abuse, but at that time applicant Shantveer gave blow of iron rod on the head of informant and other persons had assaulted him with fists and kicks. Important point to be noted is that there is no supplementary statement of informant. He wanted to attribute all the applicants/accused persons with the offence under the Atrocities Act. The abuses cannot be given in chorus by two or more persons at the same time and in the same words. If we consider the statements of witnesses Vicky Bere and Ajay Sakat, those are also saying on the same line. This itself is a point to state that the offence cannot be attracted when the abuses are stated to have been given in chorus.

6. Now, Vicky Bere and Ajay Sakat appear to be the friends of nephew of informant. Though they have stated that they had heard the applicants giving abuses in the name of caste to informant; yet, their statement does not fulfil the requirement that such abuses ought to have been heard by independent witness. We would like to rely on the decision in Hitesh Verma vs. State of Uttarakhand and another [(2020) 10 SCC 710], wherein it has been observed by the Hon’ble Supreme Court in paragraph Nos.13 and 14 that -

13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account

of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the Civil Court, or that respondent 2 has invoked the jurisdiction of the Civil Court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent 2 is a member of Scheduled Caste.

14. Another key ingredient of the provision is insult or intimidation in “any place within public view”. What is to be regarded as “place in public view” had come up for consideration before this Court in the judgment reported as *Swaran Singh v. State*, (2008) 8 SCC 435. The Court had drawn distinction between the expression “public place” and “in any place within public view”. It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view. The Court held as under :

“28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a “chamar”) when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It

could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression “place within public view” with the expression “public place”. A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies.” (emphasis in original)

5. In light of aforesaid observations, the Division Bench of this Court quashed FIR and proceeding to the extent of offences under section 3(1)(r), 3(1)(s) 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989 with liberty to proceed with the trial for other offences in Special Case No.63 of 2023. The FIR shows that respondent no.2 has made omnibus allegations as regards to abuse on caste. As discernible from contents of FIR, allegations as regards to abuses on caste are general and omnibus without attributing specific act of any accused. Even, statement of witnesses are in same manner. In this backdrop,

Division Bench of this Court has specifically observed in paragraph no.5 of order dated 22.4.2025 that abuses cannot be given in chorus by two or more persons at the same time and in the same words. The reasoning adopted by this Court while quashing the proceeding against accused Shivraj Manmathappa Mule and Rohan Shantiveer Mule mutatis-mutandis apply even to the attributions made against present applicants.

6. In result, for the similar reasons as recorded by Division Bench of this Court, the application is **allowed**.

7. The proceeding in Special Case No.63 of 2023 pending before the learned Special Judge, under the Atrocities Act, Udgir, Dist. Latur, arising out of First Information Report vide Crime No.391/2023 dated 22.06.2023 registered with Rural Police Station, Udgir, Tq. Udgir, Dist. Latur, stands quashed and set aside to the extent of offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 only, as against applicants viz. 1) Shantiveer s/o Manmathappa Mule and 2) Sunil s/o Shivraj Mule.

8. Matter to proceed for other offences and learned Special Judge to take note of above observations.

9. Learned Advocate Mr.Suraj Mantri is appointed to represent cause of respondent no.2. The professional fees for advocate appointed is quantified at Rs.10,000/-(Rs. Ten Thousand). The same be released to him accordingly.

(S. G. CHAPALGAONKAR, J.)

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