



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 118 OF 2024

Swapnil Ramesh Pawar
Aged : 28 Years, Occu : Engineer;
R/o Balaji Park, Kawdipur; Tahsil Pusad,
District Chandrapur.

... APPLICANT

VERSUS

1. State of Maharashtra
through the Police Station Officer,
Police Station, Pusad, District Yavatmal.

2. Babarao Namdeorao Ubale
Aged : 65 Years; Occu : Journalist;
R/o Warud, Tahsil Pusad, District Yavatmal.

... NON-APPLICANTS

Mr. R. P. Kothari, Advocate for Applicant.
Ms. S. V. Kolhe, APP for Non-applicant No.1/State.

<u>CORAM</u>	: PRAVIN S. PATIL, J.
<u>ARGUMENTS HEARD ON</u>	: FEBRUARY 03, 2026.
<u>PRONOUNCED ON</u>	: FEBRUARY 12, 2026.

JUDGMENT

. Heard Mr. R. P. Kothari, learned Counsel for the Applicant
and Ms. S. V. Kolhe, learned APP for the Non-applicant No.1/State.

2. By the present Application, the Applicant is seeking quashment of the Special Case No. 107/2025 pending on the file of Sessions Judge, Pusad, District Yavatmal and Chargesheet No. 515/2025 arising out of Crime No. 667/2023 registered with Police Station, Pusad, District Yavatmal for the offence punishable under Sections 323, 504, 506 of Indian Penal Code read with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short, 'the Atrocities Act'*).

3. It is the case of present Applicant that the offence, which is registered against him, is nothing but a personal grudge against him, and therefore, same is filed with an oblique motive, and therefore, indulgence of this Court is necessary in the matter.

4. The case of the prosecution in short is that, Applicant being a Contractor, the Executive Engineer, Construction, Division No.2, Zilla Parishad, Yavatmal allotted him work for construction of road vide order dated 15/6/2023. The Non-applicant No.2, who is an agricultural labour and also runs one Youtube Channel of Journalism, found that the construction of the road at the instance of present Applicant was not upto the mark so also he received various complaints from the villagers of village Mungshi, Tahsil

Pusad, District Yavatmal against the Applicant. Accordingly, he visited the construction site to verify the quality of work and took photograph of the said road. So also he personally met to the Applicant and raised a grievance about construction work. After that, Non-applicant No.2, who was busy in attending one programme at Ganoba Marriage Hall and recording the interview of Member of Legislative Assembly at around 9.30 p.m., the Applicant came there and by raising his voice started quarrelling with the Non-applicant No.2 on the count as to why he visited his site of work. As such, there was a hot exchange of words and at that time the Applicant has manhandled him with fist blows and also abused him on his caste in presence of the dignitaries in the Hall. On the basis of this complaint, offence came to be registered against the present Applicant.

5. The case of the present Applicant is that on the same day i.e. on 16/9/2023, after visit of the Non-applicant No.2 to verify the work of construction of road, Non-applicant No.2 has made demand as extortion amount and gave threats to the Applicant to publish the news in the Newspaper stating that the construction work of road is below standard. It is also stated that after denying the demand made by the Non-applicant No.2, he went away on his motor cycle. Thereafter one Kuldeep Suroshe contacted him

on his mobile in presence of his friends Akash Khadse, Nikhil Borkar and Rupesh Pawar. The Applicant was called by the Non-applicant No.2 to meet him at Ganoba Marriage Hall after concluding the programme.

6. After conclusion of the programme, when the Applicant came out of the Hall, Non-applicant No.2 met him and asked as to why till this time he did not pay the amount, which was demanded by him on 16/9/2023, and also threatened to lodge false police complaint against him.

7. The Applicant, therefore, on 18/9/2023 at 22.03 hours lodged the police complaint against the Non-applicant No.2 for extortion of money and giving threats to him, which was registered as Crime No. 0668/2023. In view of this counter-complaint, it is the submission of the present Applicant that only to counterblast his complaint, the false complaint is lodged by the Non-applicant No.2 against him.

8. *Per contra*, the learned APP has strongly opposed the Application. It is pointed out that on the complaint of the present Applicant, an offence is registered against the Non-applicant No.2 and in that proceeding Chargesheet was also filed on 18/3/2024 and charges were also framed on 3/10/2024. The learned APP has further pointed out that in the present matter investigation

was referred to the Sub Divisional Police Officer, and accordingly, he has recorded the statements of witnesses. It is also stated that there is a specific averment in the complaint of Non-applicant No.2 that Applicant was knowing his caste and thereby intentionally abused him on the caste in a public place. Hence, the offence is made out against the present Applicant, and therefore, at this stage, it is not a fit case of interference of this Court in the matter.

9. After hearing the learned Counsel for both sides and on perusal of record it is seen that the Investigating Officer has produced along with the chargesheet, the medical report of Non-applicant No.2 at Page 52 of the Application. Perusal of this medical report shows that the same was issued by the Medical Officer on 17/9/2023. It is admitted fact that the complaint was lodged on 18/9/2023, however, the Police Officer has referred the Non-applicant No.2 on 17/9/2023 for medical treatment. As such, *prima facie*, it is clear that the documents prepared by the Investigation Officer seems to be not trustworthy in the matter.

10. It is also pertinent to note that the Applicant is well educated person and a Contractor by profession. As such, it is not expected from such person that while Non-applicant No.2 was conducting interview of the Member of Legislative Assembly, he went in the Hall by raising his voice against the

Non-applicant No.2 and abused him in filthy language. Therefore, there is some substance in the submission of the present Applicant in the matter.

11. This Court is recording aforesaid observation, because here in the present case, if the Non-applicant No.2 is coming with a case that at the time of conducting interview such incident was occurred, which means the dignitaries and other persons were present in the Hall and security must be available in the Hall, but the Investigating Officer did not record the statements of any person from security or of any dignitary.

12. It is further pertinent to note that the persons who are co-accused with Non-applicant No.2 in the police complaint lodged by the Applicant, their statements are recorded by the Investigating Officer, particularly, Kuldip Suroshe. So also most of the statements recorded by the Investigating Officer are of the Journalists and the persons working with Non-applicant No.2. In view of preparation of bogus medical report, possibility cannot be ruled out that Investigating Officer has recorded the statements only of the interested persons in the matter. In my opinion, the Investigating Officer could have recorded the statements of the persons, of whom, the Non-applicant No.2 was conducting interview or security persons of dignified guests present in the Hall, but not a single statement of any such person is recorded in the matter.

13. As far as offence under the provisions of Atrocities Act is concerned, it is pertinent to note that the Non-applicant No.2, for the first time met with the Applicant on 16/9/2023. It is not the case that Applicant was well aware about the Non-applicant No.2 or he is the well known personality in the area. As such, on the first visit of the Non-applicant No.2 and considering the fact that alleged incident is happened on the same date, it cannot be concluded that the Applicant was aware about the caste of the Non-applicant No.2 and thereby deliberately he has made allegations on the caste of the Non-applicant No.2.

14. The learned Counsel for Applicant has rightly relied upon the Judgment of the Co-ordinate Bench of this Court in the case of ***Suryakant Vitthalrao Shelke & Anr. V/s The State of Maharashtra & Anr. 2019 ALL MR (Cri) 2194***, wherein this Court has recorded the finding in paragraph No.10 as under :

“10. In the matter in hand, absolutely there are no averments to the effect that both the appellants-applicants are belonging from higher caste or atleast they are not a member of Scheduled Castes or Scheduled Tribes. There are also no whisper in the FIR/complaint that both the appellants had an knowledge that complainant was from Scheduled Castes or Scheduled Tribes category. It is true that there are allegations that appellants hurled abuses to the complainant on caste by saying “Chambhar”. But, bare uttering word “Chambhar” would not

itself sufficient to draw the inference that appellants had an knowledge or aware about the caste of complainant, and therefore, they abused the complainant in the name of her caste to insult or humiliate her within public view. The possibility of uttering word “Chambhar” during the course of hot exchange of words may be to abuse her more filthily. Moreover, the allegation that the appellants caught hold her hand to drive her out of the shop could not be considered as touching to her with sexual intent nor the alleged filthy abuses itself would constitute offence under Section 3(1)(w)(i)(ii) of the Act of 1989.”

15. As such, in my opinion, the allegations made against the present Applicant seems to be with an oblique motive and counter-blast to the complaint lodged by the Applicant. Hence, in my opinion, the offence under the provisions of Atrocities Act is also not made out in the present matter.

16. In the light of above facts and the law laid down by this Court, I am of the considered opinion that no offence is made out against the present Applicant, and hence, the same is liable to be quashed and set aside. In the result, I proceed to pass following order.

ORDER

1. Criminal Application is allowed.
2. The Special Case No. 107/2025 pending on the file of Sessions Judge, Pusad, District Yavatmal and Chargesheet No. 515/2025 arising out of

Crime No. 667/2023 registered with Police Station, Pusad, District Yavatmal for the offence punishable under Sections 323, 504, 506 of Indian Penal Code read with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are hereby quashed and set aside.

3. Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

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