



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 988 OF 2025

1. **Ganesh Ramesh Nimbekar**

Aged about 44 years,
Occupation : Agriculturist

APPLICANTS

2. **Ram Mahadeo Nimbekar**

Aged about 26 years,
Occ. Labour

3. **Mohan Ganesh Kale**

Aged about 35 years.
Occ:- Agriculturist

4. **Vilas Nagorav Punde**

Aged Adult, Occ. Labour

5. **Rambhau Pradhan Punde,**

Aged about 45 years,
Occ.:- Agriculturist

6. **Mahadeo s/o Devidas Punde,**

Aged about 37 years,
Occ. Agriculturist

7. **Nitin Hardas Punde,**

Aged about 26 years.
Occ. Agriculturist
All R/o. Mazhod, Taq. And Dist. Akola

// V E R S U S //

1. **The State of Maharashtra,**

Through Police Station Officer,
Police Station Patur,
Dist. Akola

NON-APPLICANTS

2. **Pramod Mahadeo Solankhe**

Aged about 45 years, Occ.
Agriculturist,
R/o Mazhod, Taq. And Dist. Akola

Mr. V.R. Deshpande, Advocate for the applicants.
Mr. Nikhil Joshi, APP for non-applicant No.1 /State.
Mr. Nikhil Dawada, Advocate (appointed) for non-applicant no.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 07.03.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. The present application is preferred by the applicants for quashing of the First Information Report in connection with crime No.471/2024 registered at Police Station Patul District Akola for the offences punishable under Sections 74, 75 (1), 189(1), 296, 115(2) and 324(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(2)(va), 3(1)(w), 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989') and criminal proceeding arising out of the same bearing Special Case No.46/2025.

4. The crime is registered on the basis of report lodged by non-applicant No.2 on an allegation that he is agriculturist having three acres of agricultural land at village Mazod Taluka and District Akola. On 23.08.2024 at about 1.30 p.m. he was working in the agricultural field at that time co-accused Gajanan Lahudkar who is the husband of the sarpanch of the village and other co-accused entered into his agricultural field and co-accused Gajanan Lahudkar abused him on his caste by saying मला गजानन लाहुस्वकार यांनी म्हटले की लग सकारहे हो पारधे हो तुम्ही जास्त गाजले अमची ईक्लासची जमीन काढली त्यामुळे आम्हाला गुरे, डोर रक-या चारण्यास जागा शिल्लक राहली नाही तेव्हा वरील सर्वांनी "मला क्लीनालचे हो, गध्याचे शेडचे, हो पारपडले हो" अशी जाती वाचक अश्लील शिवीगाळ केली व ते सर्वजन मारा मारा म्हणत होते तेवढ्यात माझ्या शेतातील पीकामध्ये वरील सर्वांनी अनलेल्या बक-या माझ्या शेतात घातल्या व शेतातील पीक भारले त्यामुळे माझे अंदाणे 40,000/-रु.चे जवळपास नुकसान झाले आहे, माझी भावसून सौ. योगीता ही बक-या शेताचे बाहेर काढण्यास गेली असता अनिल म्हैसने याने वाईट उद्देशाने तीचा हात धरून लोटलाट केली केस धरून छातीवरून हात फीरवला व साठीचा पदर धरून साडी सोडण्याचा प्रगज केला and all the other persons were instigating by saying mara mara. At the relevant time accused No.9 Anil Maisne has outraged the modesty by physically touching to her chest. On the

basis of the said report police have registered the crime against the present applicants.

5. Heard learned counsel for the applicants who submitted that during investigation investigating officer has recorded relevant statements of the witnesses. As far as present applicants are concerned, the allegation levelled against the present applicants is that they have also uttered the said words in chorus. No specific allegations is levelled against them. As far as the allegations of outraging the modesty is concerned, against accused No.9 who is not applicant here, he submitted that even accepting the allegations as it is no offence is made out against the present applicants. In view of that application deserves to be allowed.

6. Per contra, learned APP strongly opposed the said contention and submitted that in furtherance of the common intention all the applicants came there and abused the informant on his caste and thereby committed an offence. In view of that, application deserves to be rejected.

7. Learned counsel for the non-applicant No.2 also endorsed the same contentions.

8. After considering the rival submissions of both the parties and on perusal of the entire investigation papers, it reveals that the specific allegations are levelled against the accused No.1 and accused No.9 who are not the applicants herein. As far as the present applicants are concerned, it is alleged that all the applicants came into his agricultural field and in-chorus abused him by referring his caste and thereby committed an offence. It is emerging that threats and utterance on caste abuse are apparently attributed to all the applicants at once and the same time. It is difficult to comprehend as to how all applicants in one go, at one and the same time, could in-chorus used identical words for abusing the informant on caste basis.

9. As far as the allegation regarding outraging the modesty is concerned, which is not against the present applicants. The basis ingredients to constitute the offence under 3(1)(r) of the Act of 1989 are under Section 3(1)(r) of the Act, 1989 are laid down and it reads as under:-

- a. Accused person must not be a member of the Scheduled Caste or Scheduled Tribe;
- b. Accused must intentionally insult or intimidate a member of a Scheduled Caste or Scheduled Tribe;
- c. Accused must do so with the intent to humiliate such a person; and
- d. Accused must do so at any place within public view.

10. Now the law is settled as far as the application of the provisions of Atrocities Act are concerned in the case of ***Shajan Skaria vs. State of Kerala*** in Criminal Appeal No. 2622/2021 decided on 23.08.2024 wherein the Apex Court observed that all insults or intimidations to a member of the Scheduled Caste or Scheduled Tribe will not amount to an offence under the Act, 1989 unless such insult or intimidation is on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe. It is further observed by the Apex Court that in other words, it is not the purport of the Act, 1989 that every act of intentional insult or intimidation meted by a person who is not a member of a Scheduled Caste or Scheduled Tribe to a person who belongs to a Scheduled Caste or Scheduled Tribe would attract Section 3(1)(r)

of the Act of 1989 merely because it is committed against a person who happens to be a member of a Scheduled Caste or Scheduled Tribe. On the contrary, Section 3(1)(r) of the Act of 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe. We say so because the object behind the enactment of the Act, 1989 was to provide stringent provisions for punishment of offences which are targeted towards persons belonging to the SC/ST communities for the reason of their caste status. While expressing the meaning of “intent to humiliate” appearing in Section 3(1)(r) of the Act of 1989 the Apex Court observed that the words “with intent to humiliate” as they appear in Section 3(1)(r) of the Act of 1989 are inextricably linked to the caste identity of the person who is subjected to intentional insult or intimidation. Not every intentional insult or intimidation of a member of a SC/ST community will result into a feeling of caste-based humiliation. It is only in those cases where the intentional insult or intimidation takes place either due to the prevailing practice of untouchability or to reinforce the historically entrenched ideas like the superiority of the “upper castes” over the “lower castes.”

11. In view of the above observations and considering the allegations levelled against the present applicants which is general omnibus and vague in nature, the application deserves to be allowed.

12. Hence, I proceed to pass the following order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The First Information Report in connection with crime No.471/2024 registered at Police Station Patul District Akola for the offences punishable under Sections 74, 75 (1), 189(1), 296, 115(2) and 324(1) of the Bharatiya Nyaya Sanhita and Sections 3(2)(va), 3(1)(w), 3(1)(w)(i), 3(1)(w)(ii) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and criminal proceeding arising out of the same bearing Special Case No.46/2025 is quashed and set aside to the extent of applicants.

(iii) The fees of the appointed counsel be quantified as per rules.

13. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

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