



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

CRIMINAL APPLICATION (APL) NO. 989 OF 2025

1. Santosh S/o. Samadhan Tale,
Aged About 48 Yrs. Occ.: Agriculturist **APPLICANTS**
2. Gajanan Dagdu Lahudkar,
Aged About 55 Yrs. Occ.: Agriculturist
3. Shivala Ramrao Tale,
Aged About 36 Yrs. Occ.: Agriculturist
4. Yogesh S/o. Santosh Punde,
Aged About 48 Yrs. Occ.: Agriculturist
5. Ganesh Shivram Kale

Aged About 65 Yrs. Occ.: Agriculturist
6. Mohan Ganesh Kale

Aged About 35 Yrs. Occ.: Agriculturist
7. Vinayak S/o. Ganesh Kale

Aged About 39 Yrs. Occ.: Labor
8. Vilas S/o. Nagarao Punde,

Aged About Adult Yrs. Occ.: Labor
9. Rambhau Pradhan Punde

Aged About 45 Yrs. Occ.: Agriculturist
10. Vaibhav @Chotu Ramdas Mhaisane,
Aged About 36 Yrs. Occ.: Agriculturist
11. Ganesh Ramesh Nimbekar, Aged
About 44 Yrs. Occ.: Agriculturist
12. Vitthal Dilip Punde,
Aged About 20 Yrs. Occ.: Student

All R/o. Mazhod, Taq. And Dist. Akola

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
P.S. Patur, Tq. Patur, Dist. Akola
 2. Amol s/o Subhash Daberao,
Aged about 33 Yrs. Occ. Agriculturist,
R/o Belura Taq. Patur, Dist. Akola
- NON-APPLICANTS**

Mr. Ved R. Deshpande, Advocate for the applicants.
Mr. A.M. Joshi, APP for non-applicant No.1/State.
Mr. Nikhil Dawda, 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.473/2024 registered with the non-applicant No.1-Police Station Patur District Akola under Sections 326(g), 323, 296, 189(2) and 115(2) of the Bhartiya Nyay Sanhita, 2023 a/w Sections 3(2)(va), 3(1)(s) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with

Section 92 (a)(b) Right of the Person with Disabilities Act and consequent proceeding arising out of the same bearing Atro. Special Case No.64/2025 pending before learned Sessions Judge-3 Akola.

4. Crime is registered on the basis of the report lodged by non-applicant No.2 on an allegation that he is agriculturist and resident of Belura. He has constructed a hut having tin roof. On 27.08.2024 at about 8.00 p.m present applicant came at his hut along with two tractors and asked him to vacate the said premises and abused him on his caste by saying घराबाहेर ये म्हणुन मी व माझा साळा घराबाहेर आलो तर वर नमुद लोकांनी माझे सोबत बाचाबाची केली व त्यांनी म्हट NS की, तु आमचे गावचा नाही. तरी ईक्लास शेतीवर अतिक्रमण केले आहे. मी त्यांना म्हटले की, मला दोन दिवसाचा अवधी व मांझी पत्नी बाळांतपणासाठी गेलेली आहे. मी दोन दिवसात जागा खाली करतो. असे म्हणताच वर नमुद सर्व लोकांनी म -), म्हटले की तु लंगडया ईथुन निघ असे म्हणुन मला तुझे मायची गांड, टकारडया, पारध्या तुम्ही लय माजले, भोसडीचे हो 3 अश्लील शिव्या दिल्या व मला व माझे साळयाला लोटलाट केली व चापटा बुक्यांनी मारहान केली आहे. त्यासर्व लोक ती माझे समोरव खोपडीवरील टिन व घरातील सामाण गॅस, सिलेंडर, दोन बाजा, चादर, गोदडी, बॅटरी व एक गव्हाचे कटटे व चार सामाण दोन्ही ट्रॅक्टर मध्ये ठेवले व त्यानंतर सरपंच पती गजानन लगुळकार याने खोपडी करीता लावलेला तु-हाटयाचा जाळून टाकला खोपडीमध्ये माझे २५,०००/-रुपये होते व पत्नीचे कानातले सोन्याचे टॉप्स होते ते सुध्दा त्या लोकांनी किंवा

जळाले याबाबत निश्चीत सांगता येत नाही. मला वर नमुद लोकांनी म्हटले की, आम्ही तुझी खोपडी बांधुन देतो व सर्व समान परत करतो परंतु आजपावेतो मी त्यांची वाट पाहली त्यांनी सामान परत केले नाही. व खोपडी बांधुन दिली नाही. He was manhandled by him and applicant No.2- Gajanan Lahudkar set his hut on fire and thereby caused loss of Rs.25,000/- to him. On the basis of the said report police have registered the crime against the present applicants. After registration of the crime the wheels of the investigation started rotating. During investigation investigating officer has recorded relevant statements of the witnesses and drawn the spot panchanama and after completion of the investigation submitted charge-sheet against the present applicants.

5. Heard learned counsel for the applicants who submitted that the allegation as to the abuse in-chorus. There is no specific allegation that any of the applicants have used the said words. It is not possible that all the applicants in-chorus uttered the similar words without there having been any difference between the chorus. Thus allegation itself is omnibus general in nature against all the applicants. He submitted that merely because he has obtained the said premises illegally and he was asked to vacate the said premises therefore, this FIR came to be

lodged against the present applicants. In view of that he prays for quashing of the FIR.

6. Per contra, learned APP and learned counsel for the non-applicant No.2 strongly opposed the said contentions and invited my attention towards spot panchanama as well as statements of the informant and submitted that as far as applicant No.2 is concerned, against whom the specific allegation is that he has set the hut on fire and therefore, the application deserves to be rejected.

7. On hearing both the parties and on perusal of the entire investigation papers, it reveals that as far as abuses on the caste are concerned, the allegation levelled is omnibus, general and vague in nature. It is not expected that all the applicants will utter the same words in chorus. Therefore, this contention in the FIR cannot be accepted that all the applicants in-chorus uttered the similar words and thereby committed an offence punishable under the Prevention of Atrocities Act. As far as applicant No.2 is concerned, against whom specific allegation is that he has set the said hut on fire. Therefore, there is a prima-facie case against the

applicant No.2. In view of that the prayer of the applicant No.2 for quashing of the FIR deserves to be rejected.

8. As far as other applicants are concerned the basis ingredients to constitute the offence under 3(1)(r) of the Act of 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.

9. 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 of 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 of 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 of 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.

10. In view of the above observations of the Hon’ble Apex Court and considering the allegations levelled against the present applicant No.1 and applicant Nos.3 to 12 no specific allegations are levelled against them merely because the non-applicant No.2 belongs to scheduled caste the offence is not made out against all the applicants. It is apparent that they are implicated merely because he is evicted from the premises which was obtained by the applicants. In view of that application deserves to be allowed partly.

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

ORDER

- (i) The Criminal Application is allowed partly.

(ii) First Information Report in connection with crime No.473/2024 registered with the non-applicant No.1-Police Station Patul District Akola under Sections 326(g), 323, 296, 189(2) and 115(2) of the Bhartiya Nyay Sanhita a/w Sections 3(2)(va), 3(1)(s) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with Section 92 (a)(b) Right of the Person with Disabilities Act and consequent proceeding arising out of the same bearing Atro. Special Case No.64/2025 pending before learned Sessions Judge-3 Akola is quashed and set aside to the extent of applicant No.1 and applicant Nos.3 to 12.

(iii) The prayer of applicant No.2 for quashing of the FIR is hereby rejected.

(iv) The fees of the appointed counsel be quantified as per Rules.

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

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)