



Judgment

30 apl1196.25

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

CRIMINAL APPLICATION APL NO.1196/2025

Abhijeet s/o Raju Mahajan,
age: 30 years, occupation: private service,
r/o quarter No.4/89, Near Mahuli
Traders, Raje Raghuji Nagar,
Ayodhya Nagar, Nagpur. **Applicant.**

:: VERSUS ::

1. State of Maharashtra,
through PSO Police Station
Buldhana City, district Buldhana.

2. Sunil s/o Santosh More,
age: 46 years, occupation: job,
r/o Ethape Layout, Chikhli
Road, Buldhana, district:
Buldhana **Non-applicants.**

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Shri A.V.Band, Counsel for Applicant.
Shri A.M.Kadukar, APP for the NA No.1/State.
Shri N.B.Kalwaghe, Counsel for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **16/02/2026**

ORAL JUDGMENT

1. Heard learned counsel appearing for the respective parties. **Admit.** Heard finally by consent.

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2. By this application, the applicant is seeking quashing of FIR in connection with Crime No.533/2025 registered for offences under Sections 351(2) and 352 of the BNS and under Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Atrocities Act) and consequent proceeding arising out of the same bearing chargesheet No.290/2025 and Special Case No.72/2025 pending before learned District Judge-1 and Additional Sessions Judge, Buldhana.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegation that he was working in “Berar Finance Company Limited” (the BFCL) at Buldhana since 2011 as Recovery Officer. He was doing work of recovery of amount of loans sanctioned for Two-Wheelers and Four-Wheelers. The applicant was also working in his company as Recovery Head and one Amit Nerkar was working as Regional Manager at Nagpur. He further alleged that last year, he was transferred at Mehadia Square, Dhantoli, Nagpur by the

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applicant through Sandip Jawanjale. Therefore, on 8.5.2024, he shifted at Nagpur along with his family. At that time, the applicant met him in front of the office and took him to Sandip Jawanjale. That time, Amit Nerkar, Sandip Jawanjale, and the applicant were present there. The complainant requested them to transfer him to Buldhana. On this, he was transferred to Buldhana and joined the work at Buldhana. Thereafter, a letter was issued to him mentioning that his services are terminated w.e.f. 30.4.2025. Consequently, he met the applicant at Buldhana on 10.5.2025. At that time, allegedly, the applicant abused him on his caste and humiliated and insulted him.

On the basis of the said report, the police have registered the crime against the applicant.

4. Learned counsel for the applicant submitted that the said allegation is levelled against the applicant merely because the complainant's services are terminated by the company. He further submitted that on the basis of baseless and false allegation, he is implicated in the alleged offence and to

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substantiate the said contention, he placed reliance on CDRs collected during the investigation. He submitted that on the relevant date i.e. 10.5.2025, at about 7:23:55 am, the applicant was at his home. Thereafter, at 08:10:34, his tower location was found to be at his home and as per the complainant, the alleged incident has taken place at about 11:00 am. At that time, the location of the applicant is shown to be at Saral Court, opposite Yashwant Stadium, Dhantoli, Nagpur. Whereas, the alleged incident, as per the complainant, took place at Buldhana. Therefore, he submitted that the said CDRs and tower location obtained during the investigation are sufficient to show that the allegation levelled against the applicant is false and omnibus in nature. He submitted that, on the basis of this, the FIR is lodged against the applicant and, therefore, the application deserves to be allowed.

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and submitted that statement of the complainant is substantiated by other witness namely Akash

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which is sufficient to infer that the applicant in presence of other witnesses humiliated and insulted the complainant and thereby committed the offence under the Atrocities Act. In view of that, the application deserves to be rejected.

6. On hearing both sides and perusing the entire investigation, it reveals that there is no dispute as to fact that the complainant was working with the BFCL wherein the applicant was also working as Recovery Head. It is further apparent from the record that the complainant was terminated from services by issuing a communication to him and, thereafter, his services came to an end. It further revealed from the investigation papers that the Notice was issued to the complainant as to his illegal activities are concerned. The communication dated 27.2.2025 shows that the complainant was involved in unethical activities viz. taking money from investors and intentionally not giving them receipts and, therefore, the communication was issued to him.

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7. Thus, considering illegal activities of the complainant, various communications are issued to him and subsequently, his services came to be terminated by the applicant as Head Recovery.

8. Now, coming to allegation levelled against the applicant, on 10.5.2025, the applicant met the complainant in office of the BFCL at Buldhana whereat the applicant has abused him. This fact itself is falsified by CDRs collected during the investigation, which shows that the tower location of the applicant, at the relevant time, was at Nagpur. The distance between Nagpur and Buldhana is more than 300 kilometers. Therefore, the contention of the complainant is to be ascertained in the light of attending circumstances, which falsified the allegation against the applicant.

9. Coming to aspect of application of Section 3(1)(r) of the Atrocities Act, basic ingredients to constitute offence under the above Section are; (a) accused person must not be a member of Scheduled Caste or Scheduled Tribe; (b) accused

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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. All insults or intimidation to a member of Scheduled Caste or Scheduled Tribe will not amount to an offence under the Atrocities Act, unless such insults or intimidation are on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe.

11. 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, 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, 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is

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subjected to it belongs to a Scheduled Caste or Scheduled Tribe.

12. In the light of the above facts and circumstances, it is to be seen, whether the allegation levelled against the applicant is genuine or not.

13. At this stage, it is to be seen, whether a *prima facie* case is made out or not. At the same time, attending circumstances are required to be seen. The attending circumstances show that the complainant was serving as Recovery Agent, wherein due to his illegal and unethical activities, several communications are issued to him and subsequently, the action was taken by terminating his services and, thereafter, this FIR came to be lodged.

14. Thus, in the light of the above facts and circumstances, if the allegation is taken into consideration, in the light of the fact that CDRs collected during investigation itself falsifies his presence at the spot of the incident, no *prima facie* case is made out against the applicant.

15. The law relating to quashing of FIRs has been explained by the Hon'ble Apex Court in the case of **State of Haryana and ors vs. Bhajan Lal and ors, reported in 1992 Supplementary (1) SCC 335** wherein principles have been laid down which are required to be considered while considering applications for quashing of the FIRs, which read as under:

“(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the

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commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

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(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge”.

16. By applying the aforesaid parameters to the present case in hand, the applicant has made out a case in his favour.

In view of that, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) FIR in connection with Crime No.533/2025 registered for offences under Sections 351(2) and 352 of the BNS and under Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Atrocities Act) and consequent proceeding arising out of the same bearing chargesheet No.290/2025 and Special Case No.72/2025 pending before learned District Judge-1 and

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Additional Sessions Judge, Buldhana are hereby quashed and set aside to the extent of the applicant.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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