

Dinesh Vs. State of Maharashtra and Others

Dinesh Vs. State of Maharashtra and Others

SooperKanoon Citation : sooperkanoon.com/1104786

Court : Mumbai Aurangabad

Decided On : Apr-24-2013

Judge : K.U. Chandiwal

Appeal No. : Criminal Writ Petition No.911 of 2011

Appellant : Dinesh

Respondent : State of Maharashtra and Others

Judgement :

Oral Judgment:

Rule was issued on October 18, 2011 and protection was granted to the petitioner.

2. The petitioner was appointed as District Social Welfare Officer in the year 1992. He was promoted as Divisional Social Welfare Officer and consequently, was nominated as a member of Divisional Caste Certificate Verification Committee No.2, Latur, effective from 2009 and remained as such, till 2012.

3. There was controversy in respect of caste claim of one Farah Mubin Mohammed Jafar Ali Khan, asserted to be belonging to "Chhapparbandh", N.T. Category. The petitioner did not approve caste claim of said Farah. Mohd. Jaffar Ali Khan, father of said Farah, felt estranged with the conduct of the petitioner. He even misbehaved with the members of the committee, resultantly, police were called in the office and communicated about the misbehavior of Mohd. Jaffar.

Petitioner had negated caste claim relating to daughter of Mohd. Jaffar.

4. Respondent no.3 is an employee in the said Office, however, he was instigated by said Mohd. Jaffar to initiate action against the petitioner and consequently, F.I.R. No.3042 of 2011 came to be registered with Shivajinagar Police Station, Latur for offence under Sections 3(1)(ii)(x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short "the Act"), alleging that on 21st July, 2011, respondent no.3 was called in the chamber by the petitioner. The petitioner, allegedly, informed respondent no.3 that he will not improve his conduct.

5. Reading the text of afore referred facets in the F.I.R., in tune with provisions of Section 3(1)(ii)(x) of the Act, no offence is made out as it was not in public view. The conduct of respondent no.3 provides reasonable feeling that he was under influence of said Mohd. Jaffar who desired action against the petitioner to rope in the net of the act. The petitioner has not abused respondent no.3 in the name of caste. At the most, what he has said "respondent no.3 would not be improved". That will not be an affair to cause intentional humiliation, intimidation or threat perception in the mind of respondent no.3 or making him feel certain abuses. Record disclose, there was, indeed, no intention of the petitioner to cause any injury or annoyance to respondent no.3 on his caste while petitioner was in his chamber.

6. Consequently, prosecution questioned vide C.R.No.3042 of 2011 dated 17th September, 2011 registered with Shivajinagar Police Station, Latur (R.C.C. No.1065 of 2011) is quashed and set aside. Rule made absolute.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com