



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

CRIMINAL APPLICATION (APL) NO. 159 OF 2020

APPLICANT : Abdul Nazim Abdul Rauf,
Aged about 40 years, Occu: Corporator,
Municipal Corporation, Amravati,
R/o Gaus Nagar, Amravati, District
Amravati.

..VERSUS..

RESPONDENTS : 1) State of Maharashtra,
through Police Station Officer, Police
Station Samraspura and District
Amravati.
2) Sau. Navnit w/o Ravi Rana,
Aged about 34 years, Occu:
Stitching work, R/o Ganga Savitri
Niwas, Shankar Nagar, Tq. & Dist.
Amravati.

Mr. Parth L. Sagdeo, counsel for applicant.
Ms S.V. Kolhe, APP for respondent/State.
Mr C.A. Babrekar, counsel for respondent No.2

CORAM : PRAVIN S. PATIL, J.
DATE OF RESERVE : 11/02/2026
DATE OF DECISION : 20/02/2026

JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Mr. Parth L. Sagdeo, learned counsel for applicant, Ms S.V. Kolhe, learned APP for Respondent/State and Mr. C.A. Babrekar, learned counsel for

respondent No.2, the application is taken up for final hearing at the stage of admission.

2. In the present matter, at the instance of respondent No.2, an offence came to be registered against the present applicant for the offences punishable under Sections 500 and 506 of Indian Penal Code, 1860, and Sections 3(1)(r), 3(1)(u) and 3(1)(zc) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989')

3. The applicant approached before this Court with the submission that the allegations levelled against him was never uttered by him with any criminal intention. Secondly, even if the said allegations are taken at their face value and accepted its entirety, no offence under the Act of 1989 is made out against him. Hence, he seeks indulgence of this Court to quash and set aside the criminal proceedings registered against him in the matter.

4. The learned APP and respondent No.2 have strongly opposed the application. According to them, a perusal of the prosecution case clearly establishes that an offence under the Act of 1989 is clearly made out against the present applicant, as there is specific utterance of respondent No.2 which is reiterated in the complaint. Considering this specific allegation against respondent No.2, the offence is prima-facie made out in the matter, and therefore, it is not a fit case for interference of this Court at the stage in the matter.

5. In the present case, it will be relevant to consider the factual matrix of the matter. The applicant herein was the elected Corporator of Ward No. 16 of the Municipal Corporation, Amravati. He was holding post of Secretary of political party, namely All India Mijlis-E-Ittehadul Muslimeen (AIMIM), for Maharashtra State, and was also the President for Vidharbha Region. The complainant, respondent No.2, is also a political figure and belongs to a political party in the Amravati. This fact is not disputed in the matter.

6. The case of the applicant is that there was political rivalry between the applicant and husband of non-applicant No.2, namely Ravi Rana, who was then sitting Member of Legislative Assembly from the Badnera constituency. Earlier, the applicant had supported the husband of the non-applicant No.2, but due to conflict arose between them, they were separated. There are complaints lodged by the applicant against the husband of the non-applicant No.2 before the Police Commissioner of Amravati City. Considering the complaints, the Police Commissioner provided police protection to the applicant.

7. In the present case, non-applicant No.2 has filed a police complaint against the present applicant at Police Station Samarspura on 10/01/2020 regarding an alleged incident that occurred during Assembly elections scheduled on 18/04/2019. She has alleged that she belongs to the Chambhar caste, which falls under the Scheduled Caste category, and the applicant is well aware about her caste. She further alleged that, during a public meeting dated 06/12/2019, the applicant delivered a speech with the intention to defame her and uttered the following words:

“और ओ एक नाचनेवाली जिसको हमने पिछली बार हमने चुनाव में वोट दिया पुरे 95 टक्के मुसलमानोने और क्या बोली क्या बोली रे ओ वो मुसलमान औरतोको आझादी मिल गयी ऐसा तु तैय करेगी हमारी औरतो को आझादी मिली तेरे को आझादी अब हम देते बडनेरा मे तेरा मर्द खडा हुवा है बताते उसको”

Non-applicant No. 2, on the basis of this allegation on 10/01/2020 lodged complaint against applicant and accordingly the offence came to be registered against the present applicant in the matter.

8. The submission of the present applicant for quashing of the proceedings is that, admittedly, non-applicant No.2 before joining the politics was in the profession of an actress. Therefore, according to him, the word नाचनेवाली in his speech which is expressed by the informant is not derogatory,

as alleged by respondent No.2. According to him, the said utterance on his part was not against her caste. Hence, the offence under the Act, 1989 is not attracted.

9. In respect of offence registered under Sections 500 and 506 of the IPC, it is the submission of the applicant that same offence are non-cognizable. As per Section 155 (2) of the Code of Criminal Procedure, the police officers are precluded from registering the offences under this provision without an order of the Magistrate. In the present case, admittedly, there is no such order of the Magistrate, and therefore, these offences cannot be registered against him in the matter.

10. The learned APP and learned counsel for respondent No.2 stated that Section 3(1)(r) specifically states about intentional insults or intimidates against a person belonging to Scheduled Caste or Scheduled Tribe, with the intention to humiliate such person in any place within public view, attract the rigor of punishment under the Act of 1989. It is contended that, in the public speech delivered by the applicant, where he has uttered the words are certainly humiliate the non-applicant No.2. Therefore, considering the specific provision under the Act of 1989, the offence is prima-facie made out against the applicant in the matter.

11. In the light of submission made by both the parties before this Court, it will be relevant to refer the judgment of Hon'ble Supreme Court of India in the case of **Karuppudayar Vs State Rep. By the Deputy Superintendent of Police Lalgudi Trichy and others reported in 2025 SCC OnLine SC 215**, wherein the Hon'ble Supreme Court of India has observed in para-9 of the judgment which reads thus:-

“9. A perusal of Section 3(1)(r) of the SC-ST Act would reveal that for constituting an offence thereunder, it has to be established that the accused intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view. Similarly, for constituting an offence

under Section 3(1)(s) of the SC-ST Act, it will be necessary that the accused abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view”.

12. It will be further relevant to refer the judgment of Hon’ble Supreme Court of India in the case of ***Hitesh Verma vs The State Of Uttarakhand (2020) 10 SCC 710***, wherein the Hon’ble Supreme Court of India has observed in paragraph nos.11 , 12 and 13 which reproduced are as under :-

“11. It may be stated that the charge-sheet filed is for an offence under Section 3(1)(x) of the Act. The said section stands substituted by Act No. 1 of 2016 w.e.f. 26.1.2016. The substituted corresponding provision is Section 3(1)(r) which reads as under:

“3(1)(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;”

12. The basic ingredients of the offence under Section 3(1)(r) of the Act can be classified as “1) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe and 2) in any place within public view”.

13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the Society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that respondent No.2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent No.2 is member of Scheduled Caste.”

13. From the above mentioned judgment of the Hon'ble Supreme Court of India, it is clear that an offence under the Act of 1989, is not established merely on the fact that informant is a member of Scheduled Caste. There must be an intention to humiliate a member of the Scheduled Caste or Scheduled Tribe on account of the victim belonging to such caste. Therefore, unless there is a specific intention and the allegations are deliberately on account of the victim being a member of Scheduled Caste or Scheduled Tribe, the offence under the Atrocities Act is not made out in the matter.

14. In the present case, it is seen from the allegation which is recorded in the First Information Report and reproduced above; the word used by the present applicant is नाचनेवाली (Dancer). Therefore, the question arose whether uttering the word नाचनेवाली is a derogatory in nature or same is uttered with the background of her earlier profession. Furthermore, except this word नाचनेवाली, there is no other word used by the applicant on the caste of non-applicant No.2.

15. Applicant specifically pointed out that the background of the present case which makes it clear that the complaint came to be lodged by the non-applicant No.2 with an oblique political motive.

16. It is further pertinent to note that the intention of the applicant could have been gathered if he had specifically alleged on the castes of the non-applicant No.2 with some derogatory allegation. However, a perusal of the complaint, prima-facie, does not show that the allegations comes in the category of derogatory in nature.

17. In a political field, normally this statement is made nowadays by the political leaders. Therefore, considering the fact that the utterance of sentence at the instance of applicant is in a public meeting, it cannot be concluded that same was with an intention to insult or intimidates with intent to humiliate the non-applicant No.2.

18. In the circumstances, I am of the considered opinion that no offence is made out against the present applicant in the matter. Therefore, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The proceedings bearing Special Case No. 09 of 2025, pending before the learned District Judge No.2 and Additional Sessions Judge, Achalpur, arising out of Chargesheet No. 11 of 2025 in Crime No.05/2020, for the offences punishable under Sections 500, 506 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(u) and 3(1)(zc) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are hereby quashed and set aside against present applicant.

19. Rule is made absolute in the aforesaid terms. No orders as to costs.

(PRAVIN S. PATIL, J)