

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1266 OF 2022

Chandrakant Vishwambhar Ambilwade

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

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- Mr. Ravindra Vishnu Laxmi Sankpal i/by R.V. Sankpal & Associates, Advocates for Applicant
- Mr. Ashutosh Gole, Advocate for Respondent No.2.
- Ms. Sangeeta E. Phad, APP for State
- PSI - Salim Shikalgar, Nirmalnagar Police Station, Mumbai

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026

P. C.:

1. Heard Mr. Sankpal, learned Advocate for Applicant, Mr. Gole, learned Advocate for Respondent No.2 and Ms. Phad, learned APP for State

2. This Application seeks quashing of the criminal case filed by Applicant. Applicant is an Ex-officer of the Maharashtra State Electricity Board (for short “**MSEB**”). He retired from service on 13.9.2017. Post retirement he continued to work for the cause of employees through the union. The date of the incident in question is 06.10.2021. Prosecution’s case is that on that date Applicant confronted the Complainant outside of his cabin in the headquarters of MSEB in Mumbai and abused him on the basis of his caste.

Complainant belongs to a Scheduled Tribe and therefore he has filed the present Complaint for commission of offenses under Sections 3(1) (q), (r) and (s) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Applicant was granted anticipatory bail immediately.

3. It is argued by Mr. Sankpal, Advocate for Applicant that both Applicant and Complainant are known to each other and Applicant was working as AGM (HR), Mahavitran, Pune and the complainant was working as Regional Director, Mahavitran, Pune in the year of 2016. Applicant retired in 2017. It is alleged by Complainant that since Applicant was concerned with work of employees post retirement, he had grudge against complainant who was in service. Record shows that on 02.02.2021 and 13.03.2021 Applicant filed two complaints of corruption against the Complainant and conducted a press conference to that effect. In these complaints he stated that Complainant was arrested with regard to certain discrepancies in MSEB and he was sent to judicial custody. In the present incident in question *qua* the present FIR of 16.10.2028 wherein complainant alleges that Applicant had abused him on the basis of his caste at about 06:15 p.m. outside his cabin in the presence of his Deputy/junior and immediately left the premises. FIR is registered on 01.11.2021 which is almost more than three and half

weeks after the date of incident. Hence, Mr. Sapkal argued that filing of the precursor complaints and delay in filing the FIR are extremely crucial mitigating factors for considering quashing of the Complaint.

3.1. He would argue that Applicant is 67 years old retired class one officer, holding a Doctorate degree and presently practicing as an Advocate but due to the present false and vexatious complaint he is made to suffer. On merits, he would argue that prosecution case solely relies on the witness statement of the interested person, who is the Deputy/Junior of the Complainant but the CCTV footage, screen grab and frames which are placed on record during the contentious time period when it is alleged that the act has taken place, they *prima facie* do not show the presence of the Applicant at the incident site at all neither was the Applicant ever present or visited the said office on that day. He would vehemently argue that no incriminating material has been placed on record to show the presence of Applicant in the office of Complainant on the alleged date of incident. Hence, he would persuade the Court to allow the Application

4. **PER CONTRA**, Mr. Gole, learned Advocate for the respondent has vehemently opposed the Application for quashing and while drawing my attention to the Affidavit in Reply dated 07.10.2026 appended at page No. 307, would contend that Applicant has been constantly harassing the Complainant in some way or the other by

filing complaints, representations and general random letters to high ranking officers including ministers.

4.1. He would submit that Applicant with three other associates have filed various proceedings, Public Interest Litigation and criminal petitions against the Complainant. He would submit that Applicant has left no stone unturned for defaming the Complainant in public. He would submit that the Complainant has taken steps to file Complaint and Defamation Suit against the associates of the Applicant wherein Applicant is their Advocate. He would submit that Applicant's associates have also filed Criminal Writ Petitions against the Complainant. He would submit that when the Applicant sought discharge of the present case, the Special Court dismissed the Application by holding that the charge was serious in nature.

4.2. He would vehemently argue that all grounds raised by the Applicant for quashing, require evidence at trial as there is an explanation for each of the grounds on facts and therefore there cannot be quashing of present complaint. On merits he would submit that from the CCTV footage, it *prima facie* appears that some person has entered in the cabin of Complainant and has immediately come out of the cabin and left. He would submit that in all fairness the person, who has entered can be identified only from the behind but in view of the testimony of the Deputy/ Junior of the Complainant, it is

the Applicant who had visited the office and uttered the contentious words to the Complainant and left the premises. In support of his submissions he would refer to and rely upon several order passed by this Court appended to the Affidavit in Reply to show that there is continuous enmity with the Complainant and the incident in question has therefore arisen. Additionally, he has relied on the decisions of the Supreme Court in the case of *State of Odisha vs. Pratima Mohanty and Ors.*¹ and the case of *State of Haryana and Ors. vs. Bhajan Lal and Ors.*² to argue that the present case also calls for trial and adjudication and hence cannot be quashed.

5. I have considered the submissions advanced by both the Advocates and perused the records. At the outset though, I am completely aware of the fact that power of quashing criminal proceeding should be exercised very sparingly and with circumspection. However, in the facts of the present case both parties are embroiled in a series of litigations and hence the veracity of the present offense and the incident in question which is admittedly very drastic and serious needs to be considered.

6. In this regard, I would like to refer to the categories of cases delineated by way of illustrations wherein such power can be exercised to prevent abuse of the process of any court or otherwise to

1 (2008) 1 SSC 1

2 1992 Supp (1) SSC 335

secure the ends of justice, as enumerated by the Supreme Court in para no. 102 of the decision in the case of ***State of Haryana and Ors. vs. Bhajan Lal and Ors. (supra)*** way back in the year 1992 which is also followed even today. Paragraph No. 102 reads thus:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR 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.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) 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.

(5) 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.

(6) 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.

(7) 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.”

7. In the present case, insofar as the incident in question is concerned there has to be some *prima facie* material to show that the incident did take place in the first instance. Although, it is prosecution's case that the Deputy / Junior working with the Complainant has recorded his statement that Applicant had visited the office of Complainant for a fleeting minute and uttered the contentious/objectionable words invoking his caste, but mere such statement of an interested witness cannot be considered by the Court for concluding that Applicant had visited the premises.

8. Incidentally the prosecution has placed the pen-drive capturing the entire sequence of events between 6:00 p.m to 6:45 p.m on the date of incident before the Court. Appended to present application are the screen grabs in the form of frames of the CCTV footage from page No. 217 onwards. Once the aforesaid CCTV footage screen grabs are viewed, it is *prima facie* clear that the Applicant is not seen visiting the office of the Complainant on the date of incident. This fact is material for determining veracity and truthfulness in the the present case. Furthermore, it is seen that Complainant is sitting in a public office where entry and exit to the said public office which is the headquarters of the MSEB is governed by strict rules regarding entry and exit of visitors who come to visit and call upon the director.

However, none of any such incriminating material showing the entry or exit or presence of the Applicant in the headquarter building of the MSEB on the date of the incident at 6:00 p.m. onwards has been placed before the Court by the prosecution, who has investigated the case thoroughly to substantiate the case of the Complainant.

9. Thirdly and most importantly there is a clear dichotomy regarding the place of the actual incident in question. It is prosecution's case on the basis of statements recorded that the Applicant confronted the Complainant when he stepped out of his cabin and at the same time his Deputy/Junior also stepped out of his cabin and witnessed the incident. According to prosecution's case the incident in question did not last more than 1 minute and immediately after uttering the contentious words and invoking the caste of the Complainant and abusing him, the Applicant left the premises. If such is the case of the prosecution then the *prima facie* material of CCTV footage does not show the presence of the Applicant. At the same time it is also argued that the Applicant entered the cabin of the Complainant and abused him and left immediately. This dichotomy does not aid the prosecution's case either. It only raises doubt and suspicion as there is no motive established for the overt act.

10. Hence for the aforesaid incident to be accepted as having actually happened *prima facie* reliable proof is required, which is not

seen. If Affidavit in Reply of the Complainant is perused, it is clearly seen therefrom that he has a deep rooted animosity and grudge against the Applicant. The two precursor complaints filed by Applicant against the Complainant, Applicant representing as Advocate in Criminal proceedings against Complainant and the continuous feud between the Complainant on one side and the Applicant and his associates on the other side, as documented by various court proceedings including PILs, would therefore *prima facie* show that the present criminal complaint under the Atrocities Act is manifestly attended with mala fide and is maliciously instituted with the ulterior motive of wrecking vengeance due to private and personal grudge. In that view of the matter I am inclined to accept the submissions made by Mr. Sankpal and allow the Application.

11. Criminal Application No.1266 of 2026 is allowed in the terms of prayer clause (a). C. R. No. 81 of 2021 dated 01.11.2021 and consequential Chargesheet is therefore quashed and set aside.

12. Criminal Application No.1266 of 2022 is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]