

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
***HON'BLE SRI JUSTICE HARINATH.N**
+CRIMINAL PETITION No.7114 OF 2022
%30.04.2025

#Between:

Akkala Rami Reddy, S/o.S/o.Venkata Reddy, Hindu, aged about 25 years, Resident of Kothapalem Village, Pittalavanipalem Mandal, Guntur District and others.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep.by its Public Prosecutor,
High Court of A.P. at Amaravathi and another

...Respondents

Counsel for the Petitioner:

1.Sri.J.V.Phaniduth

Counsel for the Respondent(S):

1.Learned Public Prosecutor

2.Sri. Satheesh Kumar Eerla

The Court made the following:

<Gist:

>Head Note:

? Cases referred:

1. 2016 1 ALD (Cri) 545
2. AIR Online 2024 SC 793
3. 2009 LawSuit (SC) 624
4. (2016) 11 SCC 617
5. 2009 LawSuit (SC) 624
6. (2016) 11 SCC 617

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DATE OF ORDER PRONOUNCED: 30.04.2025

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE HARINATH.N

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|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the order? | Yes/No |

JUSTICE HARINATH.N

THE HON'BLE SRI JUSTICE HARINATH. N**CRIMINAL PETITION No.7114 OF 2022****ORDER :**

1. The petitioners are arraigned as accused in Spl.SC.No.36 of 2021 on the file of IV Additional District and Sessions Judge – Cum – SC & ST Court, Guntur for the alleged offences under Sections 3(1)(r), 3(1)(s), 3(2)(va), SC ST (Prevention of Atrocities) Act, 2015 and Sections 341, 506, 323 read with 34 of IPC.
2. The learned counsel appearing for the petitioners submits that the 2nd respondent has filed a complaint on 26.01.2021 before the T.Sandole Police Station alleging that the petitioner is residing in Pittalavanipalem Village for the past 11 years along with his wife Soujanya, son Jadson Paul aged 7 years and daughter Mahima Paul aged 5 years. It is stated that for the past 10 years he has been conducting Sunday Prayers at the house of Doma Koti Reddy. About to 20 to 30 people attend the Sunday Prayers. It is also stated that the petitioner is working as a Pastor and that he has been conducting Sunday Prayers without disturbing the peace of the villagers.

3. It is stated in the complaint that the 2nd respondent received phone calls from the following numbers 8179892360, 63014362180, 8341686099, 9550315289, 9949681524, in the month of December, 2020 and that he was abused in the name of caste over the phone and was also threatened of eliminating him and that on 03.01.2021 at around 12.00 Noon while the 2nd respondent was performing the Sunday Prayer at the house of Dama Koti Reddy. The 1st accused is alleged to have called out the petitioner and slapped him and also fisted the petitioner. It is stated that as the petitioner is a Christian and on account of love of Jesus the 2nd respondent has pardoned the 1st accused.
4. It is also stated in the complaint that on 24.01.2021 when the 2nd respondent after completing Sunday Prayers at the house Doma Koti Reddy house and returning home, the petitioners along with 25 others had accosted the petitioners and assaulted him, in such a manner that the injuries would not be visible. The 2nd respondent was also threatened of elimination along with his family and he was abused in the name of his caste. The said complaint was lodged on 26.01.2021. On the strength of the complaint the police have registered a case against the petitioners alleging offences under Sections 3(1)(r, 3(1)(s), 3(2)(va), SC ST POA Act and 341, 506, 323 of IPC.

5. The police have conducted investigation and also filed a charge sheet, the same is taken on file as Spl.SC.No.36 of 2021.

CONTENTION OF THE PETITIONERS :

6. The learned counsel appearing for the petitioners submits that the very registration of FIR alleging offences under the SC ST Prevention of Atrocities Amendment Act, 2015 is bad in law. It is submitted that the defacto-complainant in his complaint has categorically stated that he is working as a Pastor. It is also stated that he has been conducting Sunday Prayers as a Pastor. A person converted to Christianity cannot claim to be a member of Scheduled Caste community.
7. The learned counsel for the petitioners further submits that the petitioners never indulged in commission of the alleged offences. It is submitted that after the entry of the 2nd respondent into the village, the 2nd respondent had spoiled the social fabric in the village by rousing religious/caste feelings.
8. The learned counsel further submits that the 2nd respondent cannot claim to be a Scheduled Caste person for invoking the provisions of the SC, ST (Prevention of Atrocities) Amendment Act, 2015. It is submitted by the learned counsel for the petitioners that the Constitution (Scheduled Castes) Order, 1950

categorically makes it clear that no person who professes religion different from Hinduism shall be deemed to be a member of a Scheduled Caste.

9. The learned counsel for the petitioners relied on a judgment in **Chinni Appa Rao and others Vs. State of A.P. and Another**¹, the composite High Court of Andhra Pradesh considered a similar issue where a complaint was filed by a person, who was converted into Christianity and running Church had filed offences alleging under the provisions of SC/ST Prevention of Atrocities Act. The learned Judge had held that the defacto-complaint is not entitled to the concession of claiming as a member of the Scheduled Caste for the benefit of the Act. If a person who does not continue as a Scheduled Caste or Schedule Tribe as on the date of the alleged offence the protection under SC/ST Prevention of Atrocities Act cannot be extended.
10. The learned counsel for the petitioners also relied on **C.Selvarani Vs. Special Secretary – Cum – District Collector and Ors.**², the Hon'ble Supreme Court held at para 16, 17 is as follows ;

¹ 2016 1 ALD (Cri) 545

² AIR Online 2024 SC 793

“16. We agree with the High Court that, when the appellant embraced Christianity in 1949, he lost the membership of the Adi Dravida Hindu caste. The Christian religion does not recognise any caste classifications. All Christians are treated as equals and there is no distinction between one Christian and another of the type that is recognised between members of different castes belonging to Hindu religion. In fact, caste system prevails only amongst Hindus or possibly in some religions closely allied to the Hindu religion like Sikhism. Christianity is prevalent not only in India but almost all over the world and nowhere does Christianity recognise caste division. The tenets of Christianity militate against persons professing Christian faith being divided or discriminated on the basis of any such classification as the caste system. It must, therefore, be held that, when the appellant got converted to Christianity in 1949, he ceased to belong to the Adi Dravida caste.

..17. In this connection, we may take notice of a decision of the Madras High Court in G.Michael v. S. Venkateswaran, Additional Secretary to Government Public (Elections) Department, Madras [AIR 1952 Mad 474] where that Court held:

“Christianity and Islam are religions prevalent not only in India but also in other countries in the world. We know that in other countries these religions do not recognise a system of castes as an integral part of their creed or tenets.”

Attention of that Court was drawn to the fact that there were several cases in which a member of one of the lower castes, who had been converted to Christianity, had continued not only to consider himself as still being a member of the caste, but had also been considered so by other members of the caste who had not been converted. Dealing with this aspect, the Court held:

“This is somewhat analogous to cases in which even after conversion certain families and

groups continue to be governed by the law by which they were governed before they became converts. But these are all cases of exception and the general rule is conversion operates as an expulsion from the caste; in other words, a convert ceases to have any caste.” In the present case, therefore, we agree with the finding of the High Court that the appellant, on conversion to Christianity, ceased to belong to the Adi Dravida caste and, consequently, the burden lay on the appellant to establish that, on his reverting to the Hindu religion by professing it again, he also became once again a member of the Adi Dravida Hindu caste.

15... At this juncture, we may observe that India is a secular country. Every citizen has a right to practise and profess a religion of their choice as guaranteed under Article 25 of the Constitution. One converts to a different religion, when he/she is genuinely inspired by its principles, tenets and spiritual thoughts. However, if the purpose of conversion is largely to derive the benefits of reservation but not with any actual belief on the other religion, the same cannot be permitted, as the extension of benefits of reservation to people with such ulterior motive will only defeat the social ethos of the policy of reservation. In the instant case, the evidence presented clearly demonstrates that the appellant professes Christianity and actively practices the faith by attending church regularly. Despite the same, she claims to be a Hindu and seeks for Scheduled Caste community certificate for the purpose of employment. Such a dual claim made by her is untenable and she cannot continue to identify herself as a Hindu after baptism. Therefore, the conferment of Scheduled caste communal status to the appellant, who is a Christian by religion, but claims to be still embracing Hinduism only for the purpose of availing reservation in employment, would go against the very object of reservation and would amount to fraud on the Constitution.

11. The learned counsel for the petitioners submits that the case against the petitioners ought to be quashed as the same is an abuse of the due process of law. It is submitted that invocation of the provisions of SC ST (Prevention of Atrocities) Act would not be available for the defacto-complainant.

CONTENTIONS OF 2nd RESPONDENT :

12. The learned counsel appearing for the 2nd respondent submits that the police have conducted investigation and filed charge sheet after recording the statements of as many as 10 witnesses, apart from, the Medical Officer, Area Hospital, Bapatla who is examined as LW.11, who treated the injured LW.1 and opined that the injury sustained by him is simple in nature.
13. The learned counsel for the 2nd respondent further submits that the listed witnesses would speak about the occurrence of the incident as narrated by the LW.1. It is also submitted that the 2nd respondent cannot be denied the protection under SC, ST (Prevention of Atrocities) Act as the listed witness No.12, the Tahsildar of Pittalavanipalem Mandal had confirmed the 2nd respondent as belonging to Hindu-Madiga by Caste. As such, the 2nd respondent is a member of Scheduled Caste community and the protection under SC, ST (Prevention of Atrocities) Act

cannot be denied. It is also submitted that when there is ample evidence against the accused and when a *prima facie* case is made out against the accused, the matter ought to be left to the Trial Court to conduct a full-fledged trial for eliciting the facts and recording of evidence.

14. The learned counsel for the 2nd respondent relied on **Kurapati Maria Das Vs. Dr.Ambedkar Seva Samajan and Ors**³, the Hon'ble Supreme Court dealt with issue that where the High Court of Andhra Pradesh had relied on the photocopies of the service records of the appellant wherein it was stated that the appellant was Christian in the service records and calling for the files of the Electricity Board where the appellant was working. The Hon'ble Supreme Court held that it amounted the roving enquiry into the caste of the appellant which was certainly not permissible in a writ jurisdiction and also in wake of Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. **Mohammad Sadique Vs. Dabara Singh Guru**⁴, the Hon'ble Supreme Court held at 51 is as follows ;

51.... In the case at hand, admittedly the appellant was born to muslim parents.

³ 2009 LawSuit (SC) 624

⁴ (2016) 11 SCC 617

However, he has proved that his family members though followed Islam but they belonged to "Doom" community. It is settled law that a person can change his religion and faith but not the caste, to which he belongs, as caste has linkage to birth. It is proved on the record that the appellant was issued a caste certificate as he was found to be member of 'Doom' community by the competent authority, after he declared that he has embraced Sikhism, and he was accepted by the Sikh community. It is not disputed that 'Doom' in Punjab is a Scheduled Caste under Constitution (Scheduled Castes) Order, 1950. The Scheduled Caste Certificate No. 6149 dated 25.08.2006 (Exh PG/2) was issued to the appellant by the competent authority, and accepted by the returning officer. Said certificate appears to have not been cancelled. What is shown on behalf of the respondent is that vide communication dated 17.11.2008 (Ext. PJ) State authorities informed and clarified to the Deputy Commissioner that members following Islam are not entitled to the certificate of Scheduled Caste, and if issued, certificates may be cancelled. But the certificate (PG/2) dated 25.08.2006 already issued in favour of appellant, is not cancelled, which he obtained after his conversion to Sikhism. It is proved on the record that the appellant embraced Sikh religion on 13.04.2006, and got published the declaration on 04.01.2007 in the newspapers Hindustan Times (English) Exh.RA, and Ajit (Punjabi) Exh RB. Nomination for election in question was filed by him five years thereafter. The appellant has further sufficiently explained that since he was popular as a singer with the name – 'Mohammad Sadique' as such without changing his name, he accepted the Sikhism and followed all rites and traditions of Sikh Religion.

15. The learned counsel for the 2nd respondent submits the validity of the caste certificate issued by the listed witness No.12 is a question of fact and thus prays for dismissing the petition.

16. Heard the learned counsel for the petitioners and the learned counsel for the 2nd respondent and also the learned Assistant Public Prosecutor for the State. Perused the material on record.

CONSIDERATION OF THE COURT :

17. Only a person belonging to Scheduled Caste and Scheduled Tribe can invoke the provisions of SC, ST (Prevention of Atrocities) Act. The preamble of the Act also would categorically state that "An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto".

18. Section 2(c) of the Act reads as follows ;

" Scheduled Castes and Scheduled Tribes' Shall have the mean-ings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution".

19. Section 3 makes it clear that only a member of Scheduled Caste or Scheduled Tribe can invoke the provisions of the Act. The

fundamental issue is whether the 2nd respondent who is working as a Pastor for the last 10 years as on the date of filing of the complaint can claim to be an a member of Scheduled Caste after his conversion to Christianity?

20. The listed witness No.1 is the defacto-complainant who categorically stated that he is working as a Pastor. LW.2 who is the wife of LW.1 also stated that LW.1 is working as a Pastor. LW.3 in his statement states that he is working as a Pastor at Penthe Coasta Church and that in Pittalavanipalem Mandal there is a Pastors Fellowship and that LW.1 is a Treasurer of the Pastors Fellowship. It is also stated that LW.1 is working as a Pastor at Kothapalem Village. LWs.4 and 5 also state that the LW.1 is working as a Pastor. LWs.6, 7 and 8 in their statements recorded under Section 161 Cr.P.C., states that they are residents of Kothapalem Village and lives by doing Agriculture. It is also stated that they had converted to Christianity about 10 years back and that for performing prayers LW.1 used to come as a Pastor on the invitation on every Sunday for conducting prayer meetings. LW.9 in her statement states that she used to go to Church for Prayers conducted at the house of Doma Koti Reddy and that the prayers were conducted by LW.1 as a

Pastor. It is stated that LW.1 used to pick up LW.9 from her home and after Prayer used to drop her back at her home.

21. As seen from the recitals of the complaint and the statements of the material witnesses it is amply clear that the 2nd respondent is working as a Pastor and has been professing Christianity for the last 10 years as on the date of the complaint.
22. To understand the concept of a Pastor in a Church, the following aspects of Christianity are to be considered ;
23. We can identify the main “types” of Christians based on historical records, Church affiliations, and regional influence. An overview of the types of Christians in Andhra Pradesh is categorized by major traditions and denominations:
24. Roman Catholics (Latin Rite) were introduced by Portuguese and later European missionaries, particularly in coastal areas like Vijayawada and Guntur. The Roman Catholic Church operates under the Archdiocese of Visakhapatnam and the Archdiocese of Hyderabad (which historically covered parts of Andhra Pradesh before Telangana’s separation).
25. The Roman Catholics are distinct from Eastern Catholic traditions. Catholic churches, schools, and hospitals are widespread, especially in urban centers.

26. Saint Thomas Christians (Syrian Christians) Though more prominent in neighboring Kerala, a small number of Saint Thomas Christians migrated to Andhra Pradesh over centuries, particularly in border regions and urban areas like Hyderabad (pre-Telangana split). These include Syro-Malabar Catholic Church.
27. Other Syrian Groups: Minor presence of Malankara Orthodox or Jacobite Syrian Christians, largely among migrant communities.
28. Protestants : Protestantism dominates the Christian landscape in Andhra Pradesh, introduced by British, American, and German missionaries from the 18th century onward. This category is highly diverse, with several denominations:
29. Church of South India (CSI): Formed in 1947 as a union of Anglican, Methodist, and Presbyterian traditions, CSI is one of the largest Christian bodies in Andhra Pradesh. Dioceses like the Diocese of Krishna-Godavari and Diocese of Rayalaseema cover the state.
30. Baptists: Canadian Baptist Mission Active since the 19th century, particularly among Telugu-speaking communities in coastal Andhra (e.g., Ongole, Nellore).

31. American Baptist Mission: Influential in establishing churches and schools, with a legacy in rural areas.
32. Lutherans: Andhra Evangelical Lutheran Church (AELC): One of the most significant Protestant groups in Andhra Pradesh, established by German and American Lutheran missionaries in the 19th century. Headquartered in Guntur, it has a large following among Telugu Christians.
33. Pentecostals: A fast-growing segment, with groups like the Indian Pentecostal Church of God (IPC) and numerous independent charismatic churches. Strong in urban areas like Vijayawada and Visakhapatnam, as well as rural villages in the coastal regions of Andhra Pradesh.
34. Three broad categories of Christians exist in Andhra Pradesh—Roman Catholics (Latin Rite), Saint Thomas Christians (Syrian Christians), and Protestants.
35. In Coastal Andhra there is a strong presence of Christians following the CSI, Baptists, and Pentecostals. In Rayalaseema area Christians following CSI and Lutheran churches dominate, alongside growing Pentecostal groups. In Urban Areas there is a Greater denominational diversity, including Seventh-day Adventists and Jehovah's Witnesses.

36. The defacto-complainant has been serving as Treasurer of Pastors Fellowship in Pittalavanipalem Mandal. In order to become Pastor one has to essentially convert to Christianity. Evidently the 2nd respondent is a Christian professing Christianity. Having converted to Christianity, the petitioner cannot continue to be a member of Scheduled Caste community. The caste system is alien to Christianity. Having converted to Christianity and admitting his role as a Pastor in a Church the 2nd respondent could not invoke the provisions of the Scheduled Caste, Scheduled Tribe (Prevention of Atrocities) Act.
37. The SC ST (Prevention of Atrocities) Act is a protective legislation introduced for preventing atrocities against members of Scheduled Castes and Scheduled Tribes. In the present case, the 2nd respondent has misused the Protective Legislation though he is not entitled to invoke the provisions of the Act. The 2nd respondent had voluntarily converted to Christianity and was admittedly working as a Pastor in a Church for the last 10 years as on the date of incident. Thus, the 2nd respondent cannot be permitted to invoke the provisions of the Protective Legislation.
38. In so far as the allegations of commission of offences under Sections 341, 506 and 323 read with 34 of IPC is concerned

except for the statement of LW.1 there is no other corroborating statement of any of the witnesses. On the contrary LW.2 the wife of LW.1 would state that she came to know about the alleged altercation and that by the time she went there LW.1 had already started in a car with one Pothurlanka Srinivasa Rao-LW.4 in the car belonging to LW.3 - Addepalli Anil Kumar. She also stated that Anil Kumar and Pothurlanka Srinivasa Rao had dropped LW.1 at her house. Both LWs.3 and 4 state that there was an altercation and that about 30 people were questioning LW.1 about his activities in the village and that LWs.3 and 4 intervened and pacified the situation and thereafter dropped LW.1. LWs.3 and 4 state that about 30 people have assembled and questioned LW.1; however, LW.5 to LW.9 do not state so in their statement.

39. The judgment referred to by the learned counsel for petitioner are applicable to the facts of this case. The judgments relied upon by the learned counsel for the 2nd respondent would not be applicable as the Hon'ble Supreme Court in **Kurapati Maria Das Vs. Dr.Ambedkar Seva Samajan and Ors**⁵, as per the facts of that case there was a serious dispute with regard to conversion into Christianity. The appellant therein denied converting into

⁵ 2009 LawSuit (SC) 624

Christianity, as such, it was considered as a question of fact which the High Court could not have gone into. On the facts of this case, there is no dispute about the faith in Christianity by the 2nd respondent. Thus, the said judgment would not be helpful to the case of the 2nd respondent. In **Mohammad Sadique Vs. Dabara Singh Guru**⁶, the Hon'ble Supreme Court has also observed at para 52 of the Judgment “ *...it is not essential for anyone to change one's name after embracing a different faith. However, such change in name can be a corroborating fact regarding conversion or reconversion into a religion/faith in appropriate cases...*” On the facts of this case, there is no issue of change of name after converting into Christianity by the 2nd respondent. However, he has named his son as Jadson Paul aged 7 years and daughter as Mahima Paul aged 5 years. These children are born to him after he converted into Christianity and as such has named his children with names which have Christian affinity.

40. Considering all this, this is a case where the 2nd respondent has misused the SC ST (Prevention of Atrocities) Act and filed a false complaint. The argument of the learned counsel for the 2nd respondent that the 2nd respondent continues to hold SC

⁶ (2016) 11 SCC 617

Certificate issued by LW.12 is concerned, the same is a matter to be dealt under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 by the appropriate authority under the Act. Mere non-cancellation of the caste certificate by the authority to a person who has converted into Christianity cannot instill the protection granted under the Protective Legislation. The 2nd respondent has ceased to be a Member of the Scheduled Caste Community, the day he had converted into Christianity.

41. On these grounds, this Court is of the considered view that the registration of crime under the provisions of SC ST (Prevention of Atrocities) Act is illegal. It is also held that filing of charge sheet inspite of the categorical statements of the listed witnesses specifically stating that the 2nd respondent is working as a Pastor for the last 10 years, the police could not have laid a charge sheet charging the petitioners for alleged offence under Sections 3(1)(r), 3(1)(s), 3(2)(va), SC ST (Prevention of Atrocities) Act. Similarly, except for the listed witness Nos.1 and 3 no other witness speak about the altercation involving 30 people. Even the charge sheet does not state that 30 people had participated in the altercation. The only person accompanying LW.1 at the

time of the alleged altercation was LW.9, she does not state about the alleged presence of the 30 people. All that she says in her statement recorded on 27.01.2021 i.e., one day after the date of filing of complaint. LW.9 stated that, she was the pillion rider of the two wheeler which was driven by LW.1, when LW.1 and LW.9 reached cross roads of Kothapalem Village some people came and stopped the two wheeler stating that they wanted to talk with the Pastor and that LW.9 was dropped off at her house on another bike. It is also stated by LW.9 she after reaching her home, she overheard people shouting. Later she came to know that Reddy's of Kothapalem village have threatened LW.1 not to perform Sunday Prayers in the village. With these allegations, the requirements under Sections 341, 506, 323 read with 34 of IPC cannot be made out even after full-fledged trial. This Court is of the considered view that a false complaint is filed and no purpose would be served if the petitioners are relegated to the trial Court and to undergo the rigmarole of trial.

42. Accordingly criminal petition is allowed and Spl.SC.No.36 of 2021 on the file of IV Additional District and Sessions Judge – Cum – SC, ST Court, Guntur is hereby quashed. During the pendency of the present case Accused No.5 passed away.

Pending miscellaneous petitions, if any, shall stands closed.

Dated 30.04.2025
LR copy to be marked
B/o.KGM

JUSTICE HARINATH.N

THE HON'BLE SRI JUSTICE HARINATH. N

CRIMINAL PETITION No.7114 OF 2022

Dated 30.04.2025

KGM