



2026:AHC:144553

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4147 of 2026

Lalit Kumar @ Lalit Arya

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Abhay Pratap Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Compliance affidavit filed, today in Court, by learned AGA is taken on record.
2. As per annexure no.1 to the compliance affidavit filed by learned AGA, notice has been served upon opposite party no.2 personally.
3. Despite service of notice, none appears on behalf of opposite party no.2.
4. Heard learned counsel for the appellant and learned AGA for the State.
5. The present criminal appeal has been filed by the appellant with a prayer to set aside the impugned order dated 8.7.2024 passed by Special Judge, SC/ST (PA) Act, Bulandshahr in Session Case No.916 of 2024 (State vs. Lalit Kumar), arising out of Case Crime No.290 of 2024, under Sections 323, 504, 506 IPC and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Khurja Nagar, District- Bulandshahr, whereby the appellant/applicant has been summoned.
6. The accused appellant has been summoned under sections 323, 504, 506 IPC and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 after taking cognizance by the trial court.
7. Learned counsel for the appellant submits that despite the FIR naming

five known and one unknown accused, the charge sheet has been filed only against the appellant. It is further submitted that the FIR was lodged after an unexplained delay of more than one year from the date of the alleged incident, rendering the prosecution case doubtful. It is contended that the alleged occurrence took place at the victim's shop situated near the Arya Samaj Temple premises, where the victim was a tenant and the appellant was working as the temple cashier. Owing to prior animosity arising out of the temple affairs, the appellant has been falsely implicated.

8. Learned AGA vehemently opposed the appeal and submits that the material collected during investigation, including the statement of the victim, prima facie establishes the appellant's involvement in the alleged offences. It is argued that merely because the other named accused were not charge-sheeted or there was delay in lodging the FIR, the prosecution case cannot be discarded at this stage. It is further submitted that the allegations disclose the commission of cognizable offences, including offences under the SC/ST Act, and the trial court has rightly taken cognizance. No interference with the impugned order is warranted.

9. A perusal of the record reveals that although the FIR named five known and one unknown accused, the Investigating Officer, upon completion of the investigation, found sufficient material only against the present appellant and submitted the charge sheet solely against him. The alleged incident is stated to have occurred on 12.03.2023, whereas the FIR was lodged on 09.04.2024 after a considerable delay, for which no satisfactory explanation has been furnished by the prosecution. The victim, in his statement under Section 161 Cr.P.C., alleged that appellant and other co-accused persons namely, Vivek Sonkar, Vijay Solanki, Manoj Solanki, Vijendra Singh alongwith 5-6 unknown persons had caused injuries; however, during the investigation, no credible material was found against the remaining accused. It further appears that the alleged caste-related remark "Chamar" is stated to have been made at the victim's shop. The material on record also indicates that the victim was a tenant of Arya Samaj Temple and used to deposit rent with the temple, while the appellant was working as its cashier. In the facts and circumstances of the case, the possibility of previous animosity between the parties arising out of the temple-related affairs cannot be ruled out and assumes relevance

while appreciating the prosecution case.

10. For the purpose of summoning the accused appellant under Sections 3(1)(r), 3(1)(s) of S.C. & S.T. (P.A.) Act, it requires that the incident occurred in "public view" in order to insult or humiliate the victim 'solely' on the ground that victim belongs to SC/ST category. The prosecution has to show prima facie that the offence under Sections 3(1)(r), 3(1)(r)(s) and 3(2)(va) of S.C. & S.T. (P.A.) Act has been committed at the place within "public view" but in this case this Court finds that the incident has occurred near the shop of opposite party no.2.

11. In the case of **Swaran Singh Vs State (2008)8SCC 435** the Hon'ble Apex Court drew a clear distinction between the expressions "public place" and "any place within public view." A private place may still be a place within public view if the incident is visible to members of the public. Conversely, merely because an incident occurs in a public building does not automatically satisfy the requirement if it is not within public view. The Supreme Court held that words such as "Chamar", though originally denoting a caste, may amount to an offence if used as a casteist abuse with intent to humiliate a member of the Scheduled Castes. The Court emphasized that words should be understood in their popular and social meaning, not merely their etymological meaning. For attracting Section 3(1)(x) (now Sections 3(1)(r) and 3(1)(s)), there must be intentional insult or intimidation; and intent to humiliate the victim because he or she belongs to a Scheduled Caste or Scheduled Tribe. Mere abuse or quarrel, without the requisite intention contemplated by the Act, is insufficient. The Court reiterated that criminal proceedings should continue only where the allegations disclose a prima facie offence against the particular accused. Proceedings may be quashed where the FIR does not disclose the essential ingredients against an accused.

12. In **Gorige Pentaiah Vs state of AP & Ors 2009 Cri.L.J.350** Honble Apex court held "when the basic ingredients of the offence are missing in the complaint, then permitting such complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law." In the case of **Hitesh Verma vs. State of Uttarakhand (2020) 10 SCC 710**, the Hon'ble

Supreme Court held that 'a dispute that arose inside the private house of a complainant over the possession of the land without the presence of independent public witnesses, does not satisfy the statutory threshold of Section 3(1)(r).

13. In **Inder Mohan Goswami & Another v. State of Uttaranchal & Others, AIR 2008 SC 251**, the Hon'ble Supreme Court held that criminal prosecution should not be permitted to be used as an instrument of harassment, oppression or private vendetta. Where criminal proceedings are initiated with an ulterior motive to exert pressure or to settle personal scores arising out of a dispute predominantly civil in nature, the High Court is justified in exercising its inherent jurisdiction to quash such proceedings.

14. In **Ganga Dhar Kalita v. State of Assam, (2015) 9 SCC 647**, the Hon'ble Supreme Court reiterated that criminal proceedings should not be allowed to continue where they are instituted merely to harass the accused or to exert pressure in a civil dispute relating to property. The Court held that giving a criminal colour to a dispute which is essentially civil in nature amounts to an abuse of the process of law. At the same time, the Court clarified that the existence of a civil dispute by itself is not a ground for quashing criminal proceedings if the complaint prima facie discloses the commission of a cognizable offence.

15. Having considered the rival submissions, the material brought on record, and the law laid down by the Hon'ble Supreme Court in the aforesaid decisions, this Court finds that the allegations contained in the First Information Report and the material collected during investigation do not prima facie disclose the essential ingredients of the offences punishable under Sections 3(1)(r), 3(1)(s) of the SC/ST Act. The dispute between the parties primarily emanates from a civil controversy relating to rent of tenancy, and the criminal proceedings appear to have been initiated in the backdrop of the said dispute. In the absence of any specific allegation of intentional caste-based insult or humiliation attracting the provisions of the SC/ST Act, permitting the criminal proceedings to continue would amount to an abuse of the process of law. Consequently, the impugned charge-sheet and the summoning order cannot be sustained

in the eyes of law.

16. Consequently, the impugned order dated 8.7.2024 passed by Special Judge, SC/ST (PA) Act, Bulandshahr in Session Case No.916 of 2024 (State vs. Lalit Kumar), arising out of Case Crime No.290 of 2024, under Sections 323, 504, 506 IPC and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.-Khurja Nagar, District- Bulandshahr, is hereby set aside.

17. The appeal is, accordingly, **allowed**.

18. Registrar (Compliance) is directed to communicate the instant order to the court concerned through District and Sessions Judge, Mahoba by e-mail/FAX within a week.

(Santosh Rai,J.)

July 16, 2026
RA