



CRIMINAL APPEAL NO. **OF 2026**
(ARISING OUT OF SLP (CRIMINAL) No.5113 of 2023)

VERSUS

STATE OF U.P. & ANR. ...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. The present appeal assails the judgment and order dated 10th April, 2023 passed by High Court of Judicature at Allahabad in Criminal Appeal No.930 of 2023 whereby the High Court dismissed the appellant's appeal under Section 14A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989¹ and declined to interfere with the summoning order dated 8th August, 2022 passed by the Special Judge, SC/ST Act, in Sessions Case No. 642 of 2022.
3. The facts necessary for adjudication of the present appeal are as follows:

¹ For short, “SC/ST Act”

3.1. Respondent No. 2 lodged FIR No. 37 of 2020 dated 25th January, 2020 against the appellant and other co-accused persons for offences under Sections 147, 323, 342 and 504 of the Indian Penal Code, 1860² and Sections 3(1)(r)(s) of the SC/ST Act.

3.2. The prosecution case, as set out in the FIR, is that the sons of Respondent No. 2 were studying in the school where the appellant was the Manager. On 24th January, 2020, one of the sons of Respondent No. 2 suffered injuries in a quarrel with other students. Respondent No. 2 thereafter approached the appellant. It is alleged that the appellant abused and assaulted Respondent No. 2 with lathis, sticks and fists, along with the school staff, causing him injuries. It is further alleged that the appellant used caste-based abuses against Respondent No. 2.

3.3. The chargesheet was filed against the appellant and the co-accused persons on 17th March, 2020.

3.4. By order dated 8th August, 2022, the Special Judge took cognizance of the offences and the case

² For short, “IPC”

was registered as Sessions Case No. 642 of 2022.

3.5. Aggrieved thereby, the appellant preferred Criminal Appeal No. 930 of 2023 under Section 14A(1) of the SC/ST Act before the High Court.

3.6. It is also relevant that FIR No. 39 of 2020 was lodged by the appellant's wife against Respondent No. 2 on 25th January, 2020 for offences under Sections 323, 504 and 506 of IPC stating that while she was in the school office, Respondent No. 2 abused and assaulted her, following which the appellant intervened and was also assaulted. A chargesheet was filed against Respondent No. 2 on 27th April, 2020 and cognizance was taken by the Magistrate on 3rd December, 2020.

4. The High Court, by the impugned judgment, dismissed the appeal. It held that the mere fact that the present case was lodged as a counterblast could not, by itself, be a ground to quash the chargesheet or the summoning order. The High Court further held that, having regard to the allegations in the FIR and the statements of the informant and other witnesses, a prima facie case was made out against the appellant.

5. We have heard Mr. Siddharth Aggarwal, learned senior counsel appearing for the appellant and learned counsel appearing for the Respondent-State. Despite

service of notice, Respondent No. 2-complainant has not entered appearance.

6. Learned counsel for the appellant contended that the High Court erred in holding that the alleged incident took place within public view, despite the site plan showing that the occurrence took place inside room 'A' in the school premises. Reliance was placed upon the site plan dated 25th February, 2020 prepared by the Investigating Officer, which identifies the place of occurrence as room "A". It was submitted that the room was enclosed and had no window or public access. It was further contended that the statements of the witnesses do not establish that they were present inside the said room at the time of the incident. At the highest, the statements establish the occurrence of a scuffle between the appellant and Respondent No. 2. It was also submitted that the FIR contains no specific allegation attributing any caste-based words to the appellant and is general and vague in this regard.

7. Learned counsel further submitted that the appellant had no prior acquaintance with Respondent No. 2 and there was no material to suggest that he knew his caste or intended to humiliate him on that ground. It was also contended that Respondent No. 2 had assaulted the appellant's wife first, whereupon the appellant intervened, and that the High Court had erroneously

proceeded on the basis that a civil dispute existed between the parties.

8. Learned counsel appearing for the Respondent-State supported the impugned judgment and submitted that the incident occurred within public view. It was contended that, at the stage of taking cognizance, the Court is required to consider the FIR, chargesheet and material collected during investigation to determine whether a prima facie case is made out. According to learned counsel, the material on record was sufficient to establish such a case.

9. Having considered the rival submissions and the material on record, we find merit in the submissions advanced on behalf of the appellant. The principal question for consideration is whether the material on record discloses the essential ingredients of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, particularly whether the alleged caste-based abuses were uttered at a place “within public view”.

10. Before examining the material on record, it would be apposite to reproduce Sections 3(1)(r) and 3(1)(s) of the SC/ST Act:

“3. Punishments for offences atrocities.— (1)
Whoever, not being a member of a Scheduled
Caste or a Scheduled Tribe,—

(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;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.”

11. The expression “any place within public view” has been considered by this Court in several decisions most recently in ***Karuppudayar v. State represented by the Deputy Superintendent of Police, Lalgudi, Trichy & Others.***³ Relying on ***Hitesh Verma v. State of Uttarakhand***⁴, **this Court reaffirmed that:**

“11. It could thus be seen that, to be a place ‘within public view’, the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view.”

³ 2025 INSC 132

⁴ (2020) 10 SCC 710

12. Tested on this principle, the prosecution case does not satisfy the statutory requirement. The FIR does not state that the alleged caste-based abuses were uttered in the presence or hearing of members of the public. On the contrary, the incident is alleged to have occurred inside a room in the school. The site plan dated 25th February, 2020 prepared by the Investigating Officer identifies the place of occurrence as room “A”. The material on record indicates that the room was enclosed and had no window or public access.

13. The prosecution case also suffers from the absence of any specific allegation of caste-based abuse against the appellant. Neither the FIR nor the statement of Respondent No. 2 attributes any specific caste-based words or slurs to the appellant. The allegation that Respondent No. 2 was abused on the basis of his caste remains general in nature. The material relied upon by the prosecution, at the highest, discloses a quarrel and scuffle between the parties. It does not disclose any specific caste-based utterance attributable to the appellant.

14. During investigation, statements under Section 161 of the Code of Criminal Procedure were recorded of four private witnesses, namely, Pradeep Kumar, Soorbeer, Sudha and Pooja Chauhan, all teachers at Krishna Public School. Pradeep Kumar stated that Respondent

No. 2 came to the school office, where an altercation and scuffle took place between Respondent No. 2 and the appellant, with co-accused allegedly assisting the appellant. Soorbeer, Sudha and Pooja Chauhan gave substantially similar accounts, stating that Respondent No. 2 came to the school office and that a quarrel and scuffle thereafter took place between the parties.

15. None of these witnesses stated that they were present inside the office when the alleged caste-based abuses were uttered or that they heard any caste-based words. While they stated that they were present in the school, their statements do not establish that they witnessed or heard the alleged caste-based abuse. Their mere presence in the school premises, therefore, does not establish that the alleged utterance was made within public view. Learned counsel appearing for the respondent-State could not demonstrate anything to the contrary.

16. We are conscious that, at the stage of cognizance, the Court is not required to conduct a meticulous appreciation of evidence. However, the basic ingredients of the offence must emerge from the material placed before the Court. In the present case, the essential requirement that the alleged caste-based insult or intimidation occurred at a place within public view is not borne out by the material on record.

17. The finding of the High Court that the incident occurred within public view cannot be sustained on the material placed on record. The requirement of “public view” depends upon whether the alleged utterance was made in circumstances in which members of the public could witness or hear it. The mere fact that the occurrence took place within the premises of a school does not, by itself, satisfy this requirement. In the present case, the FIR and the site plan place the occurrence inside an enclosed room, while the statements of the witnesses do not establish that they were present inside the room or that they heard the alleged caste-based utterances. The material on record, therefore, does not establish that the alleged utterances were made in the presence or hearing of members of the public. The essential requirement of “public view” is consequently not satisfied.

18. In view of the above, the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act are not prima facie made out against the appellant. The summoning order dated 8th August, 2022, insofar as it relates to the aforesaid offences, therefore cannot be sustained.

19. Accordingly, the appeal is allowed. The judgment and order dated 10th April, 2023 passed by the High Court of Judicature at Allahabad in Criminal Appeal No. 930 of 2023 is set aside. The proceedings arising out of

FIR No. 37 of 2020, insofar as they relate to the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act against the appellant, stand quashed. The proceedings shall, however, continue insofar as they relate to the remaining offences under IPC.

20. Pending applications, if any, are disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI
AUGUST 20, 2026