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Crl.RC.No.1618 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.07.2026

PRONOUNCED ON : 05.08.2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC NO. 1618 OF 2026

S.Krishnaraj, S/o.Siddhan,
D.No.28, Nabi Nagar, Podanur,
Coimbatore-641023.

..Petitioner(s)

Vs

R.Raghupathi, S/o.Ramamurthy,
Ticket No.2894, Senior Technician,
Signal and Telecommunication Workshop,
Southern Railway, Podanur,
Coimbatore-641023.

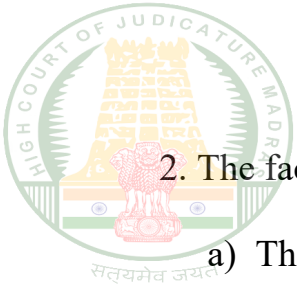
..Respondent(s)

Prayer:- This Criminal Revision Case is filed to call for the records, relating to the order passed in Crl.MP.No.218/2025, dated 21.11.2025, by the Sessions Judge, Special Court for trial of cases under the SC/ST (POA) Act, Coimbatore and to set aside the same.

For Petitioner(s): Mr.J.Nagarajan

ORDER

1. This Criminal Revision Case is filed to call for the records, relating to the order passed in Crl.MP.No.218/2025, dated 21.11.2025, by the Sessions Judge, Special Court for trial of cases under the SC/ST (POA) Act, Coimbatore and to set aside the same.



2. The facts of the case are as follows:-

- a) The Petitioner/Complainant and the Respondent have been working in the Southern Railway in Signal and Tele Communication Workshop at Podanur. It is alleged that the Petitioner belongs to SC Community and that on 12.07.2025 at about 06.45 a.m., while the Petitioner was going to workshop, the Respondent came there and insulted him, by saying his caste name “**பற தாயோழி**” (Para Thayozhi) and that when the Petitioner had questioned about the same, the Respondent had assaulted the Petitioner on his head and face and pushed him down and caused injuries on his head and elbow. At that time, one lady, who came by a two wheeler, rescued the Petitioner. Hence, the Petitioner had lodged a complaint before the Inspector of Police, Podanur on 13.07.2025 against the Respondent. On 16.07.2025, the concerned Police asked the complainant to strike out the averments with respect to the abusive words uttered by the Respondent, by mentioning the complainant’s caste name, from his complaint and on the very same day, at about 07.00 p.m. the Respondent came to the Police Station concerned and the said complaint was closed, as if there was an amicable settlement between them.
- b) Further, on 17.07.2025, the complainant was affected by epilepsy and on 18.07.2025, he was advised by the Doctor to take scan and in the scan report, it was found hemorrhage on his head in three places. On 20.07.2025, the Respondent approached the Inspector of Police, Podanur,

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for taking steps to inspect the CCTV Footage near the occurrence place.

Even after inspection of CCTC records, the Inspector of Police did not take action against the Respondent. Thereafter, the Revision Petitioner had approached the Assistant Commissioner of Police, who has also not taken any action.

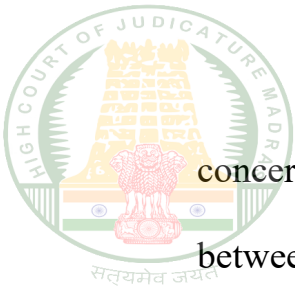
- c) As a matter of fact, the Respondent used to insult the Petitioner by mentioning his caste name on many occasions. On 14.09.2023 also, the Respondent insulted the Petitioner by mentioning his caste name and insulted him, for which a complaint was given on 29.09.2023, in his office and there was no action taken against him. Some petitions were filed to the Higher Officials against the Respondent, as if he had fabricated his community certificate, claiming himself to belong to schedule caste.
- d) Hence, the Petitioner had filed a private complaint in Crl.MP.No.218 of 2025, before the Trial Court, against the Respondent, for the offences under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 115(2) of BNS, 2023, stating that he belongs to SC Community and that the Respondent caused hurt to him, by attacking him with his hands on his head and elbow and also insulted him with an intent to humiliate him, by mentioning his caste name in the place, within public view.
- e) By the impugned order, dated 21.11.2025, the Trial Court had dismissed



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the said petition for the offence under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the ground that since the Petitioner and the Respondent are being the members of same Community, namely, Schedule Caste, cognizance of the offence under the Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, 1989, cannot be taken, however, in so far as the offence punishable under Section 115(2) of BNS, 2023, is concerned, the Trial Court had given liberty to the Petitioner to file a fresh complaint against the Respondent before the concerned Court. As against the same, the Petitioner had preferred the present Criminal Revision Case, seeking the prayer, as stated above.

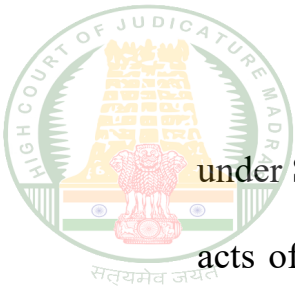
3. This Court heard Mr.J.Nagarajan, the learned counsel for the Petitioner. In spite of service of notice, there is no representation for the Respondent.
4. The learned counsel for the Petitioner has submitted that once the Trial Court found that the Respondent caused injuries to the head and elbow of the Petitioner and also insulted the Petitioner with an intent to humiliate him, by mentioning his caste name, in the place, within the public view and that the offence under the BNS was made out of the same cause of action, the Trial Court ought to have ordered for an investigation by the competent police and taken cognizance of the offence.
5. It was the case of the Respondent before the Trial Court that since the Respondent has not indulged in any offence, as stated in the complaint, the



concerned Police had closed the complaint, as it was amicably settled between the parties and that due to previous incident in not supporting the

Petitioner, the Petitioner had preferred the private complaint in order to harass the Respondent and even in the complaint filed before the Trial Court, the Respondent had himself admitted that he belonged to Hindu Adi Dravidar Community, which comes under the Schedule Caste, as per his community certificate, which was produced by him.

6. This Court has given its careful and anxious consideration to the contentions put forward by the learned counsel for the Revision Petitioner and also perused the entire materials available on record.
7. In the present case, it is to be seen whether the Petitioner has a prima facie case to maintain this Criminal Revision Case and the impugned order was rightly passed by the learned Trial Court.
8. The Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 (herein after referred to as the Act, 1989) was enacted to improve the social economic conditions of the vulnerable sections of the society, as they have been subjected to various offences, such as, indignities, humiliations and harassment. They have been deprived of life and property as well. 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. The object of the Act, 1989 is thus to punish the violators, who inflict indignities, humiliations and harassment and commit the offence, as defined



under Section 3 of the Act, 1989. The Act, 1989, thus, intended to punish the acts of the upper caste, against the vulnerable section of the society for the reason that they belong to a particular community. Every citizen has a right to avail their remedies in accordance with law.

9. In this case, the offences alleged against the Respondent are under Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, 1989 and Section 115(2) of BNS, 2023.

10. At this stage, it is pertinent to reproduce the provisions of Section 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, 1989 as under:-

“Section 3: Punishments for offences of atrocities:-

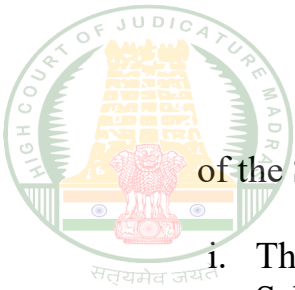
(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe:

(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.”

11. It is not in dispute that the Petitioner/ complainant belongs to the SC Community. The Petitioner has come forward with the complaint against the Respondent, stating that he voluntarily caused hurt to the complainant, by attacking him with his hands on his head and elbow and also insulted him with an intent to humiliate him by mentioning his caste name in the place, within public view.

12. The basic ingredients to constitute the offence under Sections 3(1)(r) and (s)

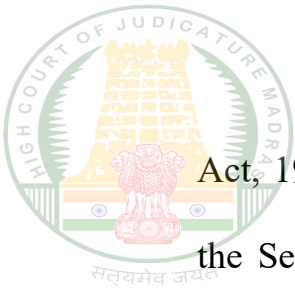


of the SC/ST (POA) Act, 1989 are as follows:-

- i. The accused person must not be a member of the Scheduled Caste or Scheduled Tribe.
- ii. The accused must intentionally insult or intimidate a member of a Scheduled Caste or Scheduled Tribe, by caste name.
- iii. The Accused must do so with the intent to humiliate such a person.
- iv. The Accused must do so at any place within public view.

13. Section 3(1)(r) of the Act, 1989 is attracted, where the reason for the intentional insult or intimidation by the accused is that the person, who is subjected to, is a member of a Scheduled Caste or a Scheduled Tribe. In other words, the offence under Section 3(1)(r) cannot stand merely on the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless the insult or intimidation is with the intention to humiliate such a member of the community. The complainant belonged to a Scheduled Caste or a Scheduled Tribe would not be enough. Secondly, any insult or intimidation towards the complainant must be on the account of such person being a member of a Scheduled Caste or a Scheduled Tribe.

14. In other words, the accused person, against whom such allegations are made, should not be a member of a Scheduled Caste or a Scheduled Tribe and he must belong to a caste or community other than SC or ST Community. It has to be proved that such insult and abuse are made by a non-member of SC or ST Community against a member of the SC or ST Community, in any place within public view. In other words, it is observed that an offence under the



Act, 1989, would be made out when a member of the vulnerable section of the Seociety is subjected to indignities, humiliation and harassment in any place, within the public view.

15. In this case, it is alleged by the Petitioner that the insult and abuse were made at the entrance of the workshop and it was not stated by the Petitioner that several persons were present. It is to be noted that before the Trial Court, the Petitioner has not examined any other independent witness, to prove the alleged offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, 1989, except himself, nor any material is produced by the Petitioner that the Respondent is not a member of the SC/ST Community and that such insult or abuse were made in a place, within the public view. In the absence of any material to show that the alleged caste-based abuse was made in a place within public view, the impugned complaint cannot be proceeded with any further.

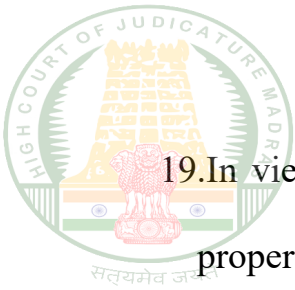
16. Based on the materials placed before it, the Trial Court has found that in the complaint itself, it is stated by the Petitioner/ complainant that the Respondent joined the Office, claiming himself to be a member of the SC Community. On an earlier occasion, a similar complaint was given by the Petitioner against one Aruldoss, Supervisor and in the enquiry, the Respondent had deposed in favour of the said Supervisor. In the reply, the Petitioner has stated that even though the Respondent belongs to SC Community, he did not support the Petitioner, who also belongs to the same



Community.

17. The Trial Court has also found that nowhere in the complaint, the Petitioner has whispered anything about the community of the Respondent and that it is evident from the community certificate produced by the Respondent that the Respondent belongs to Hindu Adi Dravidar Community, which comes under the Schedule Caste. Thus, a reading of the complaint and the reply of the Respondent and the community certificate shows that the Petitioner and the Respondent both are the members of the SC Community. There is no contra evidence produced by the Petitioner to show that the Respondent is a non-member of the SC Community.

18. Therefore, in order to attract the offence under Sections 3(1)(r) and (s) of the SC/ST (POA) Act, 1989, the victim must be a person belongs to SC or ST Community and the accused must be the person, not being a member of the SC or ST Community. On the sole ground that the Petitioner and the Respondent are the members of the same SC Community, by the impugned order, the Trial Court had rightly held that the question of invoking the provisions of Section 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act will not arise and accordingly, refused to take cognizance of the said offences against the Respondent. However, the Trial Court had given liberty to the Petitioner to file a fresh complaint against the Respondent before the concerned Court for the offence under BNS. In the opinion of this Court, it cannot be stated that there are infirmities or irregularities in the impugned order.



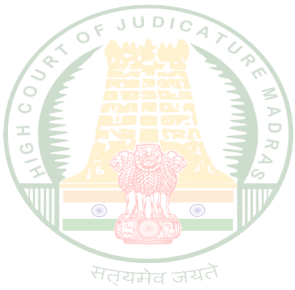
19. In view of the aforesaid discussions and observations, this Court deems it proper to discuss some case laws.

20. The Honourable Supreme Court in **Hitesh Verma v. State of Uttarakhand (2020) 10 SCC 710 : (2021) 1 SCC (Cri) 1**] has been pleased to observe in paras 13, 14 and 18 as under:-

“13. ... 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 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 2 is member of Scheduled Caste.

14. Another key ingredient of the provision is insult or intimidation in ‘any place within public view’. What is to be regarded as ‘place in public view’ had come up for consideration before this Court in Swaran Singh v. State (NCT of Delhi) [Swaran Singh v. State (NCT of Delhi), (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] . The court had drawn distinction between the expression ‘public place’ and ‘in any place within public view’. It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view (sic). The court held as under:

‘28. It has been alleged in the FIR that Vinod Nagar, the first



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informant, was insulted by Appellants 2 and 3 (by calling him a “chamar”) when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression ‘place within public view’ with the expression ‘public place’. A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies.’

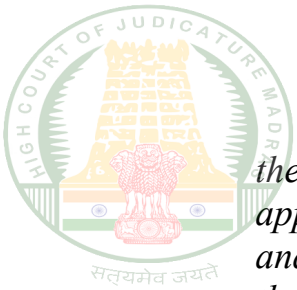
18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.”

21. Further, the Honourable Supreme Court in **Ramesh Chandra Vaishya v.**

State of U.P. (2023 SCC OnLine SC 668) has been pleased to observe as

under:-

“17. The first question that calls for an answer is whether it was at a place within public view that the appellant hurled caste-related abuses at the complainant with an intent to insult or intimidate with an intent to humiliate him. From the charge-sheet dated 21-1-2016 filed by the IO, it appears that the prosecution would seek to rely on



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the evidence of three witnesses to drive home the charge against the appellant of committing offences under Sections 323 and 504IPC and 3(1)(x) of the SC/ST Act. These three witnesses are none other than the complainant, his wife and their son. Neither the first FIR nor the charge-sheet refers to the presence of a fifth individual (a member of the public) at the place of occurrence (apart from the appellant, the complainant, his wife and their son). Since the utterances, if any, made by the appellant were not 'in any place within public view', the basic ingredient for attracting Section 3(1)(x) of the SC/ST Act was missing/absent. We, therefore, hold that at the relevant point of time of the incident (of hurling of caste related abuse at the complainant by the appellant), no member of the public was present.

18. That apart, assuming arguendo that the appellant had hurled caste related abuses at the complainant with a view to insult or humiliate him, the same does not advance the case of the complainant any further to bring it within the ambit of Section 3(1)(x) of the SC/ST Act. We have noted from the first FIR as well as the charge-sheet that the same makes no reference to the utterances of the appellant during the course of verbal altercation or to the caste to which the complainant belonged, except for the allegation/observation that caste-related abuses were hurled. The legislative intent seems to be clear that every insult or intimidation for humiliation to a person would not amount to an offence under Section 3(1)(x) of the SC/ST Act unless, of course, such insult or intimidation is targeted at the victim because of he being a member of a particular Scheduled Caste or Tribe. If one calls another an idiot (bewaqaof) or a fool (murkh) or a thief (chor) in any place within public view, this would obviously constitute an act intended to insult or humiliate by user of abusive or offensive language. Even if the same be directed generally to a person, who happens to be a Scheduled Caste or Tribe, per se, it may not be sufficient to attract Section 3(1)(x) unless such words are laced with casteist remarks.

18. Since Section 18 of the SC/ST Act bars invocation of the court's jurisdiction under Section 438CrPC and having regard to the overriding effect of the SC/ST Act over other laws, it is desirable that before an accused is subjected to a trial for alleged commission of offence under Section 3(1)(x), the utterances made by him in any place within public view are outlined, if not in the FIR (which is not required to be an encyclopaedia of all facts and events), but at least in the charge-sheet (which is prepared based either on statements of witnesses recorded in course of investigation or otherwise) so as to



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enable the court to ascertain whether the charge-sheet makes out a case of an offence under the SC/ST Act having been committed for forming a proper opinion in the conspectus of the situation before it, prior to taking cognizance of the offence. Even for the limited test that has to be applied in a case of the present nature, the charge-sheet dated 21-1-2016 does not make out any case of an offence having been committed by the appellant under Section 3(1)(x) warranting him to stand a trial. ”

22. In **2023 SCC Online All 2784 (Bhaiya Lal Singh Vs. State UP)**, the High Court of Allahabad was pleased to observe, in paragraphs 35, 36 and 41, as under:-

“35. It is further observed that an offence under the Act, 1989 would be made out when a member of the vulnerable section of the society is subjected to indignities, humiliations and harassment in any place within the public view.

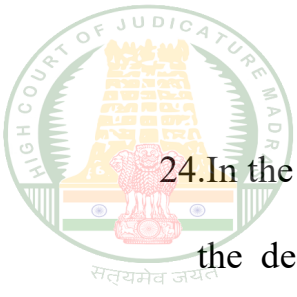
36. In the present case, this Court finds that the appellant has not abused Respondent 3 by caste name in any place within the public view, even though, Respondent 3 has not stated anything about abuses hurled to him by the appellant nor any caste language has been used against Respondent 3, thus, the allegations as levelled in the FIR does not constitute offence under Section 3(1)(Dha) of the Act, 1989.

41. It is further observed by this Court that before an accused is subjected to trial for commission of offence under Section 3(1)(Dha) of the Act, 1989 the utterances made by him in any “place within a public view” is mandatory and from the bare perusal of the FIR as well as the contents of the independent witnesses, namely, Ram Naresh and Gayatri Devi, the utterances, if any, as mentioned in Section 3(1)(Dha) are not fulfilled. The investigating agencies while investigating the matter are duty-bound to consider the factual aspects of the matter and also to consider the statement of witnesses, complainant as well as the appellant so as to ascertain whether the charge-sheet makes out a case under the Act, 1989 having been committed for forming a proper opinion in the conspectus of the situation before it, prior to taking cognizance of the offence by learned Magistrate. In the present case from the factual aspects and statements discussed above, no offence is made out under Section 3(1) (Dha) of Act, 1989. Though, the learned Magistrate has not applied its judicial mind while taking cognizance in the matter and even though, he



has only relied on the contents of the charge-sheet and summoned the appellant by impugned order to face trial, which is very serious matter.”

23. To sum and substance, all insults or intimidations to a member of the SC or ST Community will not amount to an offence under the Act, 1989, unless such insult or intimidation is on the ground that the victim belongs to SC or ST Community. Mere knowledge of the fact that the victim is a member of the SC or ST Community is not sufficient to attract the provisions of the Act, 1989. The offence must have been committed against the person on the ground or for the reason that such person is a member of SC or ST. The Petitioner herein has failed to prove that the alleged abuse and insult were made only on account of the fact that the complaint belongs to the SC Community and that the Respondent is not a member of the SC Community and that he was abused by the Respondent in a place, within public view, by letting in valid evidence. In such view of the matter, this Court is of the view that the impugned order, dismissing the petition, seeking to take cognizance of the offence under Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, 1989, is justified and sustainable, as no case is made out against the Respondent as per the allegation in the aforesaid Section of SC/ST (POA) Act, as the Respondent also belongs to the SC Community. However, the Trial Court has given the relief of preferring a fresh complaint against the Respondent under the provisions of BNS, to the Petitioner. Therefore, the impugned order does not warrant any interference by this Court.



24. In the result, in view of the above discussions and reasons and in the light of the decisions of the Honourable Supreme Court, referred to above, this

Criminal Revision Case is **dismissed**. There is no order as to costs.

05-08-2026

Index: Yes/No

Speaking/Non-speaking order

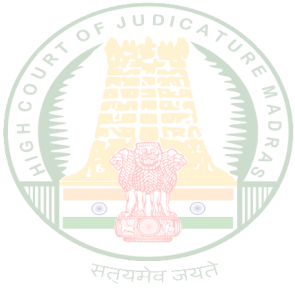
Neutral Citation: Yes/No

SRCM

To

1. The Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Coimbatore

2. The Public Prosecutor, Madras High Court, Madras



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Crl.RC.No.1618 of 2



SHAMIM AHMED J.

SRCM

**Pre-Delivery Order in
CRL RC NO. 1618 OF 2026**

05-08-2026