

Court No. - 92

Case :- APPLICATION U/S 482 No. - 12326 of 2013

Applicant :- Rohit Pal And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Manish Singh,B.N. Singh,Bhanu Pal

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Anish Kumar Gupta,J.

1. None is present on behalf of the applicants to press the instant application. Sri Pankaj Srivastava, learned A.G.A. for the State is present.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet no. 48 of 2012 dated 26.12.2012 in Case No. 04 of 2013 (State vs. Rohitpal and Others), arising out of Case Crime No. 454 of 2012 u/S 323, 504, 506 I.P.C., and 3(1) (10) SC/ST Act, P.S.- Singramau, District- Jaunpur, pending in the court of 2nd Judicial Magistrate, Jaunpur.

3. From the perusal of the F.I.R., it appears that the opposite party no.2 has lodged the F.I.R., claiming herself to belonging a Scheduled Caste and she has stated that on 30.11.2012, the sons of the applicant were grazing the goats when the applicants herein armed with the lathi etc., came to the spot and asked the sons of the opposite party no.2, calling them of their caste that they are not able to see that the goats have gone in their agricultural field. Thereafter, the accused persons assaulted the sons of the opposite party no.2. Thereafter, the information with regard to the said incident was given by the opposite party no.2 in the police station on 30.11.2012 itself. Subsequently, the applicants threatened the opposite party no.2 to settle the matter, for which the instant F.I.R., was lodged on 04.12.2012.

4. From the allegations, the aforesaid matter was investigated by the investigation agency and the charge-sheet was submitted on 26.12.2012, against the applicants herein. Therefore, from considering the allegations made in the F.I.R., on its face value, it is not the allegation of the opposite party no.2 that at the time of the incident when the applicants herein have called the sons of the opposite party no.2 of their caste, any other person was present or the said words were used to insult the opposite party no.2 or her sons for their caste in public view. Therefore, prima facie the offence u/S 3(1)(10) of SC/ST Act, is not made out

against the applicants herein.

5. Therefore, the instant application is ***partially allowed*** and the charges u/S 3(1)(10) of the SC/ST Act, against the applicants are hereby ***quashed*** and the learned Trial Court is directed to proceed against the applicants in accordance with law for the remaining offences.

6. With the aforesaid observations, the instant application is ***disposed of***.

Order Date :- 31.10.2023

Shubham Arya