

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 333 of 2022
Reserved on: 28.09.2026
Date of Decision: 07.10.2026
Uploaded on: 07.10.2026

State of H.P.

....Petitioner

Versus

Rita Devi & Ors.

....Respondents

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting.

For the petitioner : Mr. Prashasnt Sen, Deputy
Advocate General.

For the respondents : Mr. Jagmohan Chandel,
Advocate.

Chirag Bhanu Singh, Judge

The petitioner/State, has invoked the provisions of Section 482 of the Code of Criminal Procedure, impugning the order dated 18.01.2022 passed by the learned Special Judge, Mandi, discharging the respondents-accuseds for the commission of offences punishable under Sections 3(1)(u) and 3(2)(vii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "the Act").

2. The genesis giving rise to the present petition is that the complainant had got registered a complaint at Police Station,

Aut, alleging that the children belonging to the Scheduled Caste category were being subjected to discrimination in the school, as they were being made to sit in a separate row for taking the mid-day meals.

3. Along with the complaint, the complainant had also handed over a CD to the police containing a video clip made by the complainant from his own mobile during his visit to the school.

4. Since the accused were the teachers in the school, being government employees, who were allowing such things to happen, the prosecution, after investigation, filed charges against the respondents-accuseds under Sections 3(1)(u) and 3(2)(vii) of the Act.

5. The learned Special Judge, Mandi, came to the conclusion that the prosecution failed to collect any evidence that the accused had uttered any words or made any visible representation or acted otherwise to promote or attempted to promote feelings of enmity, hatred, or ill-will, or that the accuseds had committed any offence punishable under the provisions of the Act, and consequently discharged the accuseds, and hence the present petition.

6. I have heard the learned counsel for the parties and gone through the record carefully.

7. The perusal of the record shows that the child of the complainant, Bhuvneshwar, himself has denied that any caste-based remarks were made by anyone in the school. He has also denied that he had ever disclosed anything relating to the caste-based remarks or the students being made to sit in separate rows. He has denied that anyone in the school had ever asked them to sit in separate rows. He has specifically denied that the teachers used to discriminate against him or other students based on their caste.

8. On the contrary, he had deposed that his father had told him in the morning that he would come to the school and prepare a video for him. Now they were made to sit as per their roll numbers.

9. One of the students had further stated that the children used to sit in different rows as per their own wish. None of the teachers had asked them to sit in separate rows or based on their caste. He had also denied that the teachers or the cook used to discriminate against the children based on their caste.

10. There are statements of other students like Lalita, Khushbu, Manish Kumar and Chetna. None have supported the prosecution's version.

11. So much so, the statement of the wife of the complainant, Anju Devi, also clearly reflects that they had never raised the issue in the SMC (School Management Committee). She has specifically denied that the teachers used to discriminate against the children based on caste. So is the statement of one Neelam Devi.

12. The evidence collected by the prosecution thus nowhere suggests that anyone in the school, what to say of the accused (respondents), had, by words either written or spoken, or by signs or visible representation or otherwise, promoted or attempted to promote feelings of enmity, hatred, or ill-will against the members of the Scheduled Castes or the Scheduled Tribes. There is no evidence worth the name collected by the prosecution.

13. Since the basic ingredients of Section 3(1)(u) have not been made out, the question of Section 3(2)(vii), which is an enabling provision, also does not thus come into play.

14. The learned trial Court was thus right in holding that no charges can be framed against the accused persons for the commission of offences punishable under Sections 3(1)(u) and 3(2)(vii) of the Act. No fault can be attributed to the findings returned by the learned Special Judge.

15. The impugned order dated 18.01.2022 is thus upheld, and the petition filed by the State is dismissed, being devoid of any merits.

16. Petition stand disposed off in the aforesaid terms, so also the pending miscellaneous application, if any.

(Chirag Bhanu Singh)
Judge

07th October, 2026
(Shamsh Tabrez)