

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 251 of 2022

Date of Decision: 24.09.2026

State of H.P.

...Petitioner

Versus

Bishan Chand Sharma

...Respondent

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?¹ No.

For the Petitioner : Mr. Raj Pal Thakur, Additional Advocate General.

For the Respondent : M/s. Mukul Sood & Virender, Advocates.

For the Complainant : Mr. Lokesh Thakur, Advocate, vice Mr. G.R. Palsra, Advocate.

Chirag Bhanu Singh, Judge (Oral)

By way of the present revision petition, the State has assailed an order dated 19.01.2022, passed by the learned Special Judge, District Mandi, H.P., in Reg. No. 10/2021, whereby the accused/respondent has been discharged for having committed an offence punishable under Section 3(1)(g) of the Scheduled

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "Act").

2. The genesis giving rise to the present revision petition may be briefly summarized thus; the complainant had got recorded a statement under Section 154 of the Criminal Procedure Code (Cr.P.C.) that on 08.01.2020, there was no water in the tap and she had moved a complaint with the Irrigation & Public Health Department (I & PH Department) on 12.11.2022. The officials of the I & PH Department disclosed to her that the water pipe had been broken/damaged by someone.

3. On inquiry, it was revealed to her that the accused, Bishan Chand Sharma, had broken/damaged the pipeline, resulting in the water connection to her house getting disconnected by the accused.

4. On 23.11.2020, when she had visited the place again, she noticed that the accused, Bishan Chand Sharma, had shifted his water connection from the earlier T-point and, resultantly, had also shifted hers too. He had also breached a part of her retaining wall. She had further noticed that her water

connection had been shifted from the joint land to the portion of land which was in her exclusive possession.

5. After completion of the investigation, the challan came to be filed before the learned Special Judge, Mandi, District Mandi, H.P., only under Section 3(1)(g) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

6. The learned Special Judge, Mandi, District Mandi, after due deliberations, held that there was nothing to show that the complainant was dispossessed due to her caste and nor was the obstruction to the water supply because of the said reason.

7. Consequently, the learned Court held that there was no material to frame a charge against the accused, Bishan Chand Sharma, under Section 3(1)(g) of the Act and discharged him accordingly.

8. Feeling aggrieved by the order passed by the learned Court below, the State has preferred the present revision petition.

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

10. Mr. Raj Pal Thakur, learned Additional Advocate General, would contend that the order was not sustainable in the eyes of law, as the learned Court below failed to consider that the accused, Bishan Chand Sharma, had wrongfully dispossessed the complainant and had also interfered with the enjoyment of the possession of her land. The wall was also stated to have been constructed on the joint land without her consent, as a co-owner. The accused Bishan Chand Sharma, knew the complainant and his action thus, in depriving the complainant from using her land and to change the water connection without her express permission, entailed the framing of charges against the accused, Bishan Chand Sharma, under Section 3(1)(g) of the Act.

11. Learned counsel for the complainant has also supported the contentions of the learned Additional Advocate General.

12. *Per contra*, learned counsel for the accused has supported the order passed by the learned Special Judge, Mandi, District Mandi, H.P.

13. It would be apposite to note the provisions of Section 3(1)(g) of the Act, which read thus: -

"g)wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.- For the purposes of clause (f) and this clause, the expression "wrongfully" includes—

(A)against the person's will;

(B)without the person's consent;

(C)with the person's consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(D)fabricating records of such land;"

14. Perusal of the statement of the complainant herself, recorded under Section 154 of Cr.P.C., shows that the dispute pertains to the shifting of the T-point. It is an admitted position that the complainant and the accused were joint owners in possession of Khasra No. 3310/1780. The T-point, as per the report filed by the prosecution itself, had been shifted after informing the officials of the I & PH Department, as there was some leakage which was damaging the house of the accused. Since the T-point was altered, consequently, the

pipelines of the complainant also came to be altered from their original place. Though it is the grouse of the complainant that because of the alteration of the T-point, her connection had been shifted from the joint land to the land which was in her exclusive possession.

15. Over and apart, there is nothing on record to remotely show that the displacement of the water connection in any sense was because of her caste. Regarding the construction of the wall purportedly made on the joint land and that too without her express permission, entailed moving the Civil Court of competent jurisdiction. That *per se* could not be said to be an offence attracting the provisions of Section 3(1)(g) of the Act.

16. Learned Court below thus while placed reliance upon *Hitesh Verma's Case (Hitesh Verma Vs. State of Uttarakhand and another, 2020 (10) SCC 710)* rightly went on to hold that where there is a dispute about the possession of the land between the parties, the provisions of the SC & ST Act will not be attracted and finally went on to hold that there was nothing on record to show that the complainant had been dispossessed merely because of her caste.

17. This Court in *Ashok Kumar Versus Murtu Devi, 2016(1) Shimla Law Cases 207*, in similar circumstances has in uncertain terms held, that unless the victim is abused, intimidated or harassed only for the reason that she belongs to the SC & ST, only then the provisions of this Act shall come into play and not otherwise.

18. By now, it is otherwise well settled that private civil disputes between the parties may not be converted into criminal proceedings and the same may even be termed as an abuse of the process of law. In this behalf, support can ably be drawn from the judgment of the Hon'ble Supreme Court, titled as *B. Venkateshwaran & Ors. Vs. P. Bakthavatchalam (2022 LiveLaw (SC) 14)*.

19. For all the reasons detailed hereinabove, this Court thus sees no reason to interfere with the well-reasoned order passed by the learned Special Judge, Mandi, District Mandi, H.P., on 19.01.2022.

20. As a sequel, the same is upheld and the present revision petition is thus dismissed, being devoid of any merits, so also the pending miscellaneous application(s), if any.

21. The record of the learned Trial Court, along with a copy of this judgment, be sent back to the learned Trial Court.

(Chirag Bhanu Singh)
Judge

24th September, 2026

(Shamsh Tabrez)