



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRR No.2814 of 2008 (O&M)

Reserved on: 26.08.2026

Pronounced on: 27.08.2026

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*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

Main Pal

...Petitioner

Versus

Sher Singh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Rahul Vats, Advocate
for the petitioner.

Respondent No.1 has already expired.

Mr. Karamjit Singh Chahal, Advocate
Mr. R.K. Kashyap, Advocate and
Mr. Kanav Goyal, Advocate
for respondent No.2.

Ms. Sheenu Sura, DAG, Haryana.

MANDEEP PANNU, J.

1. The present revision petition has been filed by the petitioner-complainant challenging the order dated 16th October, 2008, whereby learned Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, discharged both the respondents in a complaint case filed against three accused, namely, Jai Lal and the present two respondents, for offences under Section 3(1)(x) of the Scheduled



Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 323, 324, 506 read with Section 34 IPC.

2. Briefly stated, the facts of the case are that a complaint was filed by the present petitioner, Main Pal, who was working as a Constable in the Police Department and belonged to the “Chamar” community and was posted at Police Post Sector 10, Panchkula, at the relevant time, whereas the accused belonged to the Jatt community. The complaint was filed for offences under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 324, 506 read with Section 34 IPC. As per the complaint, on 07.02.1999, after attending duty from 11.00 P.M. to 5.00 A.M., the complainant came to the police post and, having no bed to rest upon, lay down on the bed of Constable Kuldeep Singh in the Recreation Hall. The television was on and, when the complainant attempted to switch it off, its sound increased. At that time, accused No.1, Jai Lal, allegedly woke up and abused the complainant by saying, “*Sale Khalsapad Chamar Tune T.V. Keon Chalaya va Avaj Badai Hai*”. When the complainant explained that the television was already on and that he had tried to switch it off, accused No.1 allegedly further remarked, “*Tuje Shatter Dikhai Nahi Dia, Tumko to Sale Kahin per Jutte Gandhne Kai Liya Sarak Per Baithna Tha*”. Accused No.1, thereafter, allegedly woke up from the cot and ran towards the complainant to beat him. The complainant removed his belt and cap, whereupon accused No.1 allegedly again remarked, “*Sale Sariyal Chamar Yahan Sai Apna Baksha Utha Kar Kisi Dushre Kamrae Mai Rakhlo*”. When the complainant questioned him as to



why he was repeatedly calling him “*Sariyal Chamar*”, accused No.1 allegedly gave him a *lathi* blow on his right arm. On the complainant attempting to escape, accused No.1 allegedly chased him, and thereafter, when the complainant tried to enter the room to put on his slippers, accused No.1 again gave him *lathi* blows near the right hip and on the right side of the neck, one of which struck him on the jaw and head, causing him to fall unconscious. It was further alleged that even thereafter, accused No.1 gave *lathi* blows to the complainant while he was lying unconscious. After regaining consciousness, the complainant approached accused No.2 and narrated the entire incident, whereupon accused No.2 sent ASI Gurcharan Singh with him and directed that he be medico-legally examined.

3. It was further alleged that the incident was preceded by an occurrence on the night of 06.02.1999 at about 9.00/9.30 P.M., when a marriage party accompanied by a band was passing in front of the police post and some ladies were dancing. Accused No.1, who was then the Head Constable, allegedly, while in a drunken condition, started dancing in front of a young girl. When the marriage party objected and stopped dancing, the complainant requested accused No.1 not to do so, as the Police Department was a disciplined department, and took him away from the spot. According to the complainant, this resulted in accused No.1 developing a grudge against him. The complaint further alleged that an inquiry was conducted by accused Nos.2 and 3, who found accused No.1 guilty and directed him to beg pardon. However, as the complainant was not ready to accept the same, accused Nos.2 and 3, who were allegedly from the same community



as accused No.1, recorded the statements of some officials of Room No.4 and, on the basis of those alleged false statements, closed the matter. It was further alleged that during the course of the said inquiry, accused Nos.2 and 3 also hurled derogatory words at the complainant, saying, “*Sale Chamar Ab tu Kiya Kar Lega Hamne Tumharai Ne Manane per Karvai tumhare Khilaf Kardi. Ab Tum Jahan Jana Chaho Wanhana Jao, Agar Koi Karwai Karoge to Tumhari Nokri Be Chhut Selkti Hai*”. In this manner, according to the complaint, accused Nos.2 and 3 helped accused No.1 and committed the aforesaid offences against the complainant.

4. Thereafter, preliminary evidence was led by the complainant, in which the complainant examined himself as CW-1, C. Ashwini Kumar as CW-2 and Dr. Ritu Chaudhary as CW-3, and thereafter, closed the preliminary evidence. Thereafter, learned Judicial Magistrate First Class, vide order dated 29th April, 2006, summoned all the three accused for the commission of offences punishable under Section 3(i) and (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 323 IPC.

5. On appearance of all the three accused persons, after procuring their presence, learned Magistrate committed the case to the Special Court, and the Special Court under the SC/ST Act, Panchkula, vide the impugned order dated 16th October, 2008, held that the prosecution of accused Nos.2 and 3 was not maintainable at that stage in the absence of sanction from the competent authority. However, it was observed that it would be open to the complainant to pursue his complaint against accused



Nos.2 and 3 after obtaining sanction from the appropriate authority, and accordingly, accused Sher Singh and Surinder Pal Singh were discharged at that stage. However, on the basis of the material on record, a *prima-facie* case for framing of charge against accused No.1 under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 323 IPC was found to be made out and, accordingly, accused No.1, Jai Lal, was ordered to be charged.

6. Feeling aggrieved by the aforesaid order passed by the Special Court, the present revision petition has been filed by the complainant, wherein Sher Singh and Surinder Pal Singh were arrayed as respondents. It is relevant to mention here that during the pendency of the present revision petition, respondent No.1 Sher Singh died.

7. Learned counsel for the petitioner-complainant contended that learned Special Court erred in discharging accused Nos.2 and 3 on the ground of absence of sanction under Section 197 Cr.P.C. It was submitted that the derogatory words attributed to Sher Singh and Surinder Pal Singh, i.e. “*SALE CHAMAR AB TU KIYA KAR LEGA HAMNE TUMHARI NA MANANE PER KARVAI TUMHARE KHILAF KARDI*”, were not uttered by them in the discharge of any official duty, but were allegedly used with the intention of humiliating and denigrating the complainant, who belonged to the “Chamar” community, in the presence of others. Therefore, no sanction was required for their prosecution. It was further contended that the summoning order itself recorded that the aforesaid accused had uttered the said derogatory words against the complainant and that the complainant’s



allegations stood supported by the preliminary evidence on record. Thus, the protection of Section 197 Cr.P.C. was not available to accused Nos.2 and 3, and learned Special Court ought not to have discharged them for want of sanction.

8. It is argued by learned counsel for respondent No.2 that no offence under the SC/ST (Prevention of Atrocities) Act, 1989 is made out against respondent No.2, as the alleged derogatory words were not uttered in public view. It is submitted that even in the complaint, there is not a single averment that the alleged words were uttered in public view. It is further argued that, even otherwise, the allegation that the same or similar derogatory words were simultaneously uttered by two different persons is highly improbable. The complainant has attributed substantially similar expressions to respondent Surinder Pal Singh and Sher Singh, deceased, and such allegation, particularly in the absence of any independent material showing that both the respondents used the same words, does not inspire confidence. It is thus contended that the essential ingredient of the offence under Section 3(1)(x) of the SC/ST Act, i.e intentional insult or intimidation of a member of a Scheduled Caste or Scheduled Tribe in any place within public view, is not *prima-facie* established.

9. It is next submitted that, assuming for the sake of argument that the alleged words were uttered by the respondent, even then sanction for his prosecution was required, as the complainant himself has alleged that the words were uttered during the course of the inquiry conducted by respondent Surinder Pal Singh along with Sher Singh, since deceased.



Thus, the alleged acts were connected with the discharge of their official duties and, therefore, learned Special Court rightly held vide impugned order dated 16th October, 2008 that the prosecution of accused Nos.2 and 3 was not maintainable in the absence of sanction from the competent authority, while granting liberty to the complainant to pursue the complaint against them after obtaining the requisite sanction. It is contended that the complainant has admittedly not obtained any such sanction and, therefore, there is no illegality in the impugned order.

10. It is further submitted by learned counsel for respondent No.2 that subsequent developments in the matter also fortify the stand of the respondent. Co-accused Jai Lal had challenged the order whereby charge had initially been framed against him under Section 3(1)(x) of the SC/ST Act. Vide order dated 17th December, 2008, this Court disposed of the said revision with liberty to the petitioner to move an appropriate application before the trial Court, which was directed to consider the submission qua framing of charge under Section 3(1)(x) of the Act and pass an appropriate order in accordance with law. Pursuant thereto, the Special Court reconsidered the matter and, vide order dated 9th March, 2009, found a *prima-facie* case against Jai Lal only under Sections 323 and 506 IPC, which offences were triable by the Judicial Magistrate, and no charge under the SC/ST Act was found to be made out. The complainant-petitioner thereafter challenged the said order by filing a revision petition insofar as no charge under Section 3(1)(x) of the SC/ST Act had been framed. However, vide order dated 6th April, 2010, this Court observed that the



impugned order did not suffer from any illegality and called for no interference, and accordingly dismissed the revision petition. Consequently, Jai Lal was tried only for the offences under Sections 323 and 506 IPC and was ultimately convicted and released on probation vide judgment dated 9th July, 2012. It is, therefore, argued that once this Court has already upheld, by order dated 6th April, 2010, the order declining to frame a charge under Section 3(1)(x) of the SC/ST Act against Jai Lal, the benefit of the said finding ought to enure to the present respondent as well, particularly when the allegations against him also do not disclose the essential ingredients of the offence under the SC/ST Act. Even otherwise, it is submitted, no offence under the said Act is made out against the respondent.

11. I have heard learned counsel for the petitioner and learned counsel for respondent No.2, Surinder Pal Singh, and have gone through the material available on record.

12. The first question which arises for consideration is as to whether respondent No.2 can derive any benefit from the order dated 6th April, 2010, passed by this Court in the revision petition arising out of the proceedings against Jai Lal. In my considered view, the answer has to be in the negative. The allegations against Jai Lal and those against respondent No.2 and Sher Singh, since deceased, arise out of two distinct incidents. Jai Lal was alleged to have used the caste-related derogatory expressions against the complainant in the course of the incident relating to the television and the subsequent altercation, whereas the allegations against respondent No.2 and Sher Singh relate to the alleged utterance of



derogatory words during the inquiry conducted by them. Thus, the allegations against respondent No.2 cannot be equated with those against Jai Lal. The order dated 6th April, 2010, was rendered in the context of the allegations and material against Jai Lal and cannot be treated as a finding conclusively determining the allegations against respondent No.2. Consequently, respondent No.2 cannot claim the benefit of the said order merely on the ground that the revision petition filed by the complainant in the case of Jai Lal had been dismissed.

13. The next question which requires consideration is whether the prosecution of respondent No.2 was barred in the absence of sanction under Section 197 Cr.P.C. The learned Special Court proceeded on the basis that the alleged derogatory words were uttered by respondent No.2 and Sher Singh during the inquiry conducted by them and, therefore, sanction was necessary. In my considered view, however, the mere fact that the alleged words were uttered during the course of an official inquiry would not, by itself, attract the protection of Section 197 Cr.P.C. The Court has to determine whether the alleged act had a reasonable nexus with the discharge or purported discharge of official duty. Conducting an inquiry may undoubtedly constitute an official duty, but the alleged use of caste-based derogatory expressions against the complainant cannot, merely because it is alleged to have taken place during such inquiry, be regarded as an act forming part of, or having a reasonable nexus with, the official duty. Thus, the finding of learned Special Court that sanction was necessarily required merely because the alleged words were uttered during the inquiry



cannot be sustained.

14. However, even if the question of sanction is answered in favour of the petitioner, the complainant has to independently establish the essential ingredients of the offence under Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989. Reliance has been placed upon *Ramkrishna Chauhan vs. State of U.P. and another, 2026 INSC 895* wherein the Hon'ble Supreme Court has held that expression "public view" means place must be open where members of the public can witness or hear the alleged caste-based abuses.

15. Thus, the statutory provision requires that the insult or intimidation of a member of a Scheduled Caste or Scheduled Tribe should be committed in any place within public view. In the present case, the alleged derogatory words attributed to respondent No.2 and Sher Singh were allegedly uttered during the inquiry being conducted by them. Significantly, the complaint does not contain any specific averment that the said words were uttered in the presence of the public or at a place within public view. Mere presence of persons in an official office or inquiry proceedings cannot, without anything more, satisfy the statutory requirement of the offence having been committed in public view. The material placed on record, therefore, does not disclose the essential ingredient of Section 3(1)(x) of the Act against respondent No.2.

16. There is yet another circumstance which lends support to the aforesaid conclusion. The complainant has attributed substantially similar derogatory expressions to respondent No.2 and Sher Singh in the course of



the same alleged inquiry. While this circumstance by itself may not be sufficient to reject the complaint at the threshold, the allegation has to be assessed along with the absence of any specific averment or material showing that the alleged utterances were made in public view. At the stage of consideration of the charge, the Court is required to see whether the material, if accepted in its entirety, discloses the essential ingredients of the alleged offence. In the present case, even if the allegations regarding the utterance of the words are accepted as such, the necessary ingredient of their being uttered in a place within public view is not disclosed.

17. Thus, although the reasoning of learned Special Court with regard to the requirement of sanction under Section 197 Cr.P.C. cannot be endorsed in the manner in which it has been recorded, the ultimate conclusion in favour of respondent No.2 does not call for interference, as the allegations and material on record do not *prima-facie* make out an offence punishable under Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

18. The present revision petition, accordingly, fails and is dismissed.

19. All pending applications also stand disposed of.

27.08.2026

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(MANDEEP PANNU)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>