



2026:DHC:7173



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: August 13, 2026

Pronounced on: August 25, 2026

CNR No. DLHC011694342018

+ CRL.REV.P. 663/2018, CRL.M.A. 29461/2018

GURPREET SINGH BHATIA

...Petitioner

Through: Mr. Jujhar Singh, Mr. Bhushan Arora, Mr. Kanav Manghani, Mr. Shreyas Malik, Mr. Dhruv Kumar and Mr. Dhruv Gupta, Advs.

Versus

STATE OF NCT OF DELHI

...Respondent

Through: Ms. Meenakshi Dahiya, APP for the State with Ms. Vanshika Singh and Mr. Bhanu Pratap Singh, Advocates.
SI Dhananjay Gupta, PS Kirti Nagar

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Section 482* of the Code of Criminal Procedure, 1973¹, the petitioner seeks setting aside of the order dated 13.04.2018² passed by the learned ASJ, West District, Tis Hazari Courts, Delhi³ in SC No.209/2017 arising out of FIR No.52/2017 dated 03.02.2017 registered at PS: Kirti Nagar, whereby charges have been

¹ Hereinafter referred to as '*CrPC*'

² Hereinafter referred to as '*impugned order*'

³ Hereinafter referred to as '*Trial Court*'



framed against him under *Sections 3(1)(r)/3(1)(s)* of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015⁴.

2. The complainant, an employee of the petitioner, made a complaint on 15.12.2016 to the effect that a day before, on 14.12.2016, at around 04:30 PM, the petitioner called him to his showroom at Kirti Nagar, abused and insulted him using casteist slurs and derogatory remarks against him, his parents and his caste at large in presence of numerous other employees who were present at the spot. Thereafter, when the complainant said he would call the Police, the petitioner confiscated his phone and threatened him, and told him to leave and did not pay any salary. This led to registration of the present FIR.

3. In these facts, charges under the Act have been framed against the petitioner by way of the impugned order, which is challenged before this Court.

4. The complainant was declared *ex-parte* due to repeated non-appearance *vide* order dated 13.08.2026, whereafter arguments were heard on behalf of the applicant as well as the State.

5. Learned counsel for petitioner primarily submitted that the allegations against the petitioner are wholly false and have only been levelled with a view to extort money from him, and since there was no material on record to substantiate them in any manner, charges could not have been framed against him under *Sections 3(1)(r)/3(1)(s)* of the Act. Relying upon a decision of this Court in ***Daya Bhatnagar & Ors. vs. State***⁵, he submitted that the essential ingredient therefor i.e. the offence

⁴ Hereinafter referred to as 'Act'

⁵ 2004 SCC OnLine Del 33



has to be committed in '*public view*' was completely absent herein. This is since the so-called third persons named by the complainant in the FIR were all employees of the same company, and further since they did not support the version of the complainant in their statements under *Section 161 CrPC*.

6. Learned counsel further submitted that before registration of the FIR, the complainant had initially given a complaint dated 15.12.2016 *vide* DD No.58-B to PS: Kirti Nagar wherein he did not name a single public witness present at the spot. Relying upon a decision of this Court in ***Smt. Deepa Bajwa vs. State & Ors.***⁶, he further submitted that the initial complaint was of vital importance, and if the essential ingredients for the offences were not disclosed therein, such lacunae or deficiencies could not have been covered up later by way of present FIR registered subsequently.

7. In the wake thereof, learned counsel submitted that there were no grounds for proceeding against the petitioner, as also that the learned Trial Court passed the impugned order framing charges against him without any application of mind, which is against the intent of *Section 227 CrPC*, as held in ***Raghunath vs. State of Haryana***⁷, ***Yogesh @ Sachin Jagdish Joshi vs. State of Maharashtra***⁸ and ***Sajjan Kumar vs. CBI***⁹. As such, the impugned order is liable to be set aside.

8. Learned APP, on the other hand, submitted that the complaint has clear and unambiguous allegations against the petitioner levelled in the FIR as it discloses specific remarks made against him by the petitioner solely based on his caste, including use of derogatory casteist slurs. The learned

⁶ 2004 SCC OnLine Del 961

⁷ (2003) 1 SCC 398

⁸ (2008) 10 SCC 394

⁹ 2010 SCC OnLine SC 1045



APP further submitted that since the complainant belongs to the *Koli Caste* which falls within the Scheduled Caste category, the provisions of the Act are squarely attracted. However, relying upon the Status Report, the learned APP fairly submitted that two witnesses as mentioned in the FIR refused to give any statement to the Police, and three witnesses whose statements under *Section 161 CrPC* were recorded have not supported the contents of the FIR, specifically *qua* derogatory remarks/ words related to the caste of the complainant. Be that as it may, the learned APP submitted that the same are matters of trial.

9. This Court has heard learned counsel for the petitioner as well as learned APP, as also gone through the pleadings on record along with the judgments cited at the bar.

10. Legally, for an offence under *Sections 3(1)(r)/3(1)(s)*¹⁰ of the Act, the petitioner must have ‘... ..*intentionally insult/ intimidate with an intent to humiliate... ..*’ or ‘*abuses*’ through ‘*caste name*’ at the complainant who is a member of a Scheduled Caste or a Schedule Tribe ‘... ..*in any place within public view.*’

11. Elucidating the ambit of ‘*place within public view*’, the Hon’ble Supreme Court recently in ***Hitesh Verma vs. State of Uttarakhand***¹¹, ***Karuppudayar vs. State & Ors.***¹² and ***Ramkrishna Chauhan vs. State of***

¹⁰ **3. Punishments for offences 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;
shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.’

¹¹ (2020) 10 SCC 710

¹² 2025 SCC OnLine SC 215



U.P. & Anr.¹³, held that the same must be a place where members of the public can witness/ see/ hear the alleged utterances, as also whence the place is within the four corners of a room, in the absence of any members of the public who witnessed/ saw/ heard such utterances, it is not a ‘*place within public view*’. In fact, in **Ramkrishna Chauhan (supra)**, in a challenge to the orders passed at the very initial stages of taking cognizance, sifting the statements of the witnesses therein under *Section 161* of the CrPC, the Hon’ble Supreme Court held that since none of them had stated that they heard any caste-based words/ abuses by the accused against the complainant therein, the basic ingredients for an offence under *Sections 3(1)(r)/3(1)(s)* of the Act were absent, the proceedings to that extent were quashed against the accused therein.

12. Similarly, for framing of charges against the petitioner under *Sections 227¹⁴/228¹⁵* of the CrPC, it was incumbent upon the learned Trial Court not to have mechanically framed charges simply by acting as a mouthpiece of the prosecution. The learned Trial Court was also to sift and weigh the materials on record, *albeit*, for the limited purpose of finding out whether or not the basic ingredients of the offence are present constituting a *prima facie* case against the petitioner herein. Reliance is placed upon

¹³ 2026 SCC OnLine SC 1676

¹⁴ ‘**227. Discharge-**If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.’

¹⁵ ‘**228. Framing of charge-(1)** If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which—

(a) ...

(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.’



Sajjan Kumar (supra); Ghulam Hassan Beigh v. Mohd. Maqbool Magrey¹⁶; Dr. Anand Rai vs. State of Madhya Pradesh & Anr.¹⁷.

13. As per the FIR herein, the casteist slurs/ derogatory remarks based on the caste of the complainant were allegedly made inside a space within the four corners of a room, i.e. the petitioner's showroom in Kirti Nagar, therefore, in the absence of members of the public within whose view/hearing the same fell, the alleged utterances made by the petitioner could not fall within Sections 3(1)(r)/3(1)(s) of the Act. Under such circumstances, the learned Trial Court proceeded to frame charges against the petitioner vide the impugned order as under:-

*'2. Here in the present case there are allegations being leveled against the accused that on 14.12.2016 complainant was rebuked by the accused with casteist remarks in the presence of other employees of the accused. **The statement is there on record as one of the witness Ganesh Kapoor has given statement that accused has rebuked with derogatory words and casteist remarks to the complainant in his present,** though one of the public witness Charan Preet Singh has given a statement that no such derogatory and casteist remarks was uttered by the accused. **Statement of witness Jagriti is there on record who has also stated that accused has abused the complainant.** So at the stage of charge it cannot be judged as to whose statement is correct. It can be inferred only in trial. So far as the submissions of Ld Counsel for the accused that accused was not having any knowledge of the caste of the complainant. This fact also can be adjudicated upon during the trial of the case as the complainant was working with the accused and as per the statement of complainant accused has uttered casteist remarks.'*

[Emphasis supplied]

¹⁶ (2022) 12 SCC 657

¹⁷ 2026 SCC OnLine SC 187



14. However, a bare perusal of the materials on record, specifically the statement of the witness Ganesh Kapoor under *Section 161 CrPC* relied on by the learned Trial Court, shows that the same nowhere discloses any casteist slurs/ derogatory remarks based on the caste of the complainant made against him by the petitioner, which, for ease of reference is reproduced as under:-

बयान किया कि मैं पता उपरोक्त पर अपने परिवार के साथ रहता हूँ और C-24, मानसरोवर गार्डन में मेरा फर्निचर का शोरूम है। इससे पहले मेरा शोरूम गुरप्रीत सिंह भाटिया के Empire Showroom के ऊपर 2nd फ्लोर पर था। दिनांक 14.12.2016 को समय करीब 3.30-4.00 दिन लखन ने सरदार गुरप्रीत भाटिया से अपनी salary मांगी तो गुरप्रीत भाटिया ने चिल्लाकर कहा कि जो करना है कर ले मैं तेरी salary नहीं दूंगा उसने लखन का कालर पकड़ कर बैठा दिया और उसका फोन भी ले लिया। सरदार जी ने लखन पर हाथ भी उठाया और जबरदस्ती करने लगा और लखन को मारने वाला भी था। उसने लखन से कहा कि पुलिस में complaint कर दे मैं तेरी salary नहीं दूंगा। सरदार जी ने लखन को माँ बहन की गालियाँ भी दी और धक्के भी दिये। आज मैं आपके ऑफिस में आया जहाँ पर आपने लैपटाप पर मेरा बयान लिखा और प्रिंट निकालकर मुझे पढ़ने के लिए दिया जो पढ़ लिया ठीक है।

15. Similarly, the statement of the witness Jagriti under *Section 161 CrPC* is also completely silent on any casteist slurs/ derogatory remarks based on the caste of the complainant by the petitioner, which, also for ease of reference is reproduced as under:-

बयान किया कि मैं पता उपरोक्त पर अपने परिवार के साथ रहती हूँ और C-24, मानसरोवर गार्डन के फर्निचर शोरूम में प्राइवेट जॉब कर रही हूँ। इससे पहले दिनांक 31.12.2016 तक मैं B-119, मानसरोवर गार्डन, 2nd, फ्लोर पर Kings Town वाले शोरूम में काम कर रही थी जो कि empire furniture वाले शोरूम से ऊपर है। जो दिनांक 14.12.2016 को समय करीब 3.30-4.00 दिन लखन ने सरदार गुरप्रीत भाटिया से अपनी salary मांगी तो गुरप्रीत भाटिया ने लखन का कालर पकड़ कर बैठा दिया और उसका फोन भी ले लिया। सरदार जी ने लखन पर हाथ भी उठाया और जबरदस्ती करने लगा और उसको मारने भी लगा। उसने लखन से कहा कि पुलिस में complaint कर दे salary नहीं दूंगा। सरदार जी ने लखन को माँ बहन की गालियाँ भी दी। गुरप्रीत भाटिया ने मुझे भी कहा था कि पुलिस को यह नहीं बताना कि मैंने लखन को मारा है। जो आज मैं अपना बयान देने के लिए अपने पति के साथ आपके ऑफिस आई जहाँ पर आपने लैपटाप पर मेरा बयान लिखा और प्रिंट निकालकर मुझे पढ़ने के लिए दिया जो पढ़ लिया ठीक है।

16. As clearly borne out therefrom, there was a complete lull *qua* any casteist slurs/ derogatory remarks based on the caste of the complainant in the above statements, which, at best, may point towards a general scuffle or an altercation, hence, the necessary ingredients of *Sections 3(1)(r)/3(1)(s)*



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of the Act were missing. Resultantly, there was no occasion for the learned Trial Court to proceed with framing of charges against the petitioner in ignorance thereof. There is, thus, no reason for continuation of the prosecution against the petitioner.

17. In such a scenario, and as held in **Ramkrishna Chauhan (supra)** and **Dr. Anand Rai (supra)**, the impugned order passed against the settled principles of law calls for setting aside by this Court in exercise of its powers under *Section 482 CrPC*.

18. Accordingly, the present petition is allowed and the impugned order dated 13.04.2018 passed by the learned Trial Court framing charges against the petitioner under *Sections 3(1)(r)/3(1)(s)* of the Act in SC No.209/2017 arising out of FIR No.52/2017 dated 03.02.2017 registered at PS: Kirti Nagar is set aside. As such, the petitioner is discharged from the offences under *Sections 3(1)(r)/3(1)(s)* of the Act.

19. The present petition, along with the pending application, is disposed of in terms of the above.

SAURABH BANERJEE, J.

AUGUST 25, 2026/Ab/RS