

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1221 of 2024

Arising Out of PS. Case No.-186 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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SUBODH PRATAP SINGH SON OF UMAKANT SINGH R/O-SSP, HEAD
POST OFFICE, CHHAPRA, P.S.-CHHAPRA (TOWN), DISTT.-SARAN,
CHHAPRA (AS PER FIR). R/O-CHAUBEY TOLA, P.S.-CHANPATIYA
(KUMARBAGH O.P), DISTT.-WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. MAMTA KUMARI WIFE OF LATE NARESH HARIJAN R/O-CHAIKUL,
P.S.-MANJHI, DISTT.-SARAN, CHHAPRA, PRESENT ADDRESS-
POSTMAN, MAIN POST OFFICE, CHHAPRA, P.S.-CHHAPRA (TOWN),
DISTT.-SARAN, CHHAPRA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Akshay Lal Pandit, App.
For the Informant	:	Mr. Shivnandan Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 9 13-03-2026 1. The appellant who is posted as Senior Superintendent of Post Offices, Saran at Chapra has filed the present appeal being aggrieved by the order dated 07.02.2024 passed by learned Exclusive Special Judge, SC/ST Chapra, Saran in connection with SC/ST Trial No. 184 of 2022 whereby the learned Court has rejected the petition filed by the appellant under Section 227 of the Cr.P.C. for discharge. An FIR was lodged bearing Chapra Town PS Case No. 413 of 2021 under Sections 354, 354A, 354C, 504, 506, 120B of the IPC and section 3(1)(r) of SC/ST Prevention of Atrocities Act.



2. The FIR was lodged on 02.08.2021 for an occurrence which allegedly took place on 18.06.2021 and 19.06.2021, stating that all the employees in Chapra Head Office and Office of the appellant mobilized in the organized way and framed a fake charge against the informant/respondent no. 2, and accordingly, the In-charge Postmaster handed over the suspension letter to the informant, i.e. respondent no. 2, and prevented her from performing her duty illegally. The suspension letter was issued on 18.06.2021 and the same was served to respondent no. 2 on 19.06.2021.

3. The appellant who was Senior Superintendent of Post Offices, Chapra, Saran, along with Head Postmaster and Assistant Postmaster and Circle Inspector, have been named in the FIR alleging that all harassed the informant/respondent no. 2, on the basis of the fake suspension letter. On 18.06.2021, at about 5 p.m., they misbehaved and committed obscene act against respondent no. 2 within the campus of office of the appellant. The reason behind the incident, as per the informant, is that she had complained against the accused persons on 19.04.2021 and 20.04.2021 when they had teased her and abused her by taking caste name and prevented her from performing her duty. The Departmental Regional Office is



helping indirectly to the accused persons. She has been targeted and harassed in the department only because she has raised her voice to protect her prestige and dignity.

4. The police investigated the case and submitted final form finding the case untrue and exonerated all the accused persons. The final form was submitted on 15.09.2021. A protest petition was filed earlier on 06.08.2021 stating therein the same story as was stated in the FIR and the respondent no. 2 also raised grievances against the police officials.

5. The learned Special Court treated the protest petition as a complaint and after examination of the respondent no. 2 on S.A., took cognizance against the appellant and others under Section 354, 504 of the IPC and 3(1)(S) of SC/ST Prevention of Atrocities Act.

6. Mr. Bimlesh Kumar Pandey, learned counsel appearing for the appellant, argued that the appellant was appointed through Union Public Service Commission as an officer of Indian Postal Service. He was posted, at the relevant point of time, as Senior Superintendent of Post Offices having a separate office. On the charge of dereliction of duty, respondent No. 2 was suspended by Senior Post master vide his letter dated 18.06.2021 and departmental proceeding was initiated against



respondent No. 2 for the charges relating to dereliction of duty. For holding departmental inquiry against respondent No. 2 imputation of misconduct and misbehavior, was served against opposite party No. 2 on 07.06.2021 disclosing the charges inter-alia on the fact that she refused to take six parcel articles for its delivery which were meant for her beat.

7. It has further been submitted by the appellant that after the suspension letter was issued against the respondent no. 2 on 18.06.2021 and a copy of the same was forwarded to the appellant being the Senior Superintendent of Post Offices, the present FIR was lodged by respondent no. 2 with malicious intention and in retaliation of the suspension order issued by the Senior Post Master.

8. The respondent no. 2 had also made a complaint against the appellant and other employees with the allegation of sexual harassment at workplace for which inquiry committee was formed of four persons namely Mr. Alok Kumar, SPOs, Siwan Dn. Cum Chairman of Enquiry Team, Smt. Usha Kumari, ASP(Dn.), Saran Division, Chapra, Mr. Santosh Kumar, ASP(West), Sub-Dn. Bettiah and Mr. Abhishek Kumar Singh, IP(Vig), RO Muzaffarpur. The inquiry committee after proper inquiry came to the conclusion that Mamta Kumari, Postman,



Chapra H.O. i.e., respondent no. 2, has tried to hijack the system and has misused the provisions of sexual harassment with women at workplace and the provisions of Atrocities Act miserably. The committee also concluded that she has made false allegations against the administration and her superior officers just to get the desired posting and to avoid her work. The police also, after thorough investigation, came to the conclusion that the case lodged by respondent no. 2 against high and other officials is not true. In protest-cum-complaint petition, the similar allegation has been made, which does not disclose any criminal offence, much less an offence under SC/ST Prevention of Atrocities Act. In her S.A., she has also stated that on 19.06.2021, when suspension letter was served upon her, she went to the police and lodged FIR in Town PS Chapra.

9. The learned Special Court, without appreciating the facts in entirety and without any prima facie material against the appellant under SC/ST Prevention of Atrocities Act and the fact that prosecution lodged against the appellant is malicious in order to take vengeance against the high officials of the department for suspending and initiating departmental proceeding against respondent no. 2, rejected the discharge petition.



10. Learned counsel for the appellant relies upon the judgment passed by the Apex Court in **Konde Nageshwar Rao v. A. Srirama Chandra Murty and anr (Criminal Appeal No. 555 of 2018)** and **State of Haryana and Others v. Bhajan Lal and Others reported in 1992 Supp (1) SCC 335**.

11. On the other hand, Mr. Shiv Nandan Bharti, learned counsel appearing for respondent No. 2 argued that the protest petition filed by the informant/respondent No. 2, was treated as complaint and after examination of the complainant/informant on S.A. and the examination of witnesses, the learned Special Court took cognizance against the appellant and others under the provisions of 3(1)(s) under SC/ST Prevention of Atrocities Act and other Sections of IPC. The Special Court in the impugned order has taken note of the fact that there is sufficient material against the appellant for framing of the charges.

12. At the time of framing of charge, the court is not required to meticulously examine the materials/evidence on record, but only has to see that prima facie materials are available for framing of charge. The learned Special Court has rightly passed the impugned order rejecting the discharge petition of the appellant.



13. I have heard learned counsel for the parties and have gone through the materials available on record, including the impugned order.

14. It is an admitted position that appellant is senior officer posted as Senior Superintendent of Post Offices at Chapra. The respondent no. 2 is a postman posted in Chapra post office. It also appears that for dereliction of duty, the respondent no. 2 was suspended by Senior Postmaster, Head Office Chapra on 18.6.2021 and the suspension letter was served upon her on 19.6.2021. A copy of the suspension letter was forwarded to the appellant as he was the senior most officer posted in the area.

15. The appellant is a member of Indian Postal Service having a separate office of Senior Superintendent of Post Offices. The allegation of sexual harassment made by the respondent no. 2 against the appellant and other officials of the postal department was also inquired into by a committee and the committee came to the conclusion that respondent no. 2, Postman, Chapra, head office, has tried to hijack the system and has misused the provisions of Prevention of Sexual Harassment with Women at Workplace Act, 2013, and the provisions of SC/ST Prevention of Atrocities Act. The report of the committee



is dated 27.07.2021. This Court also finds that after the order of suspension and service of memo of charge upon respondent no. 2 on 18.06.2021, 19.06.2021, she lodged the FIR on 02.08.2021. From plain reading of protest cum complaint petition and the S.A. of respondent no. 2, it appears that respondent no. 2 has said in her SA that after receipt of the suspension letter on 19.06.2021, she has lodged the FIR.

16. In a judgment rendered in **Saleb alias Shalu alias Salim v. The State of UP and others reported in (2023) 20 SCC 194** at paragraph 26, the Hon'ble Supreme Court has observed that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. It is so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with



all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the Cr.P.C. or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

17. In *Konde Nageshwar Rao (supra)*, in paragraph no. 23, the Hon'ble Supreme Court has taken note of the judgment of *Masumsha Hasanasha Musalman v. State of Maharashtra*, in which the Hon'ble Apex Court has emphasized that merely because the complainant belongs to the Scheduled



Castes or Scheduled Tribes cannot be the sole ground for prosecution. The offences alleged must have been committed solely on the basis of the victim's caste status. Misuse of the statute to settle personal scores or to harass individuals cannot be permitted if it is apparent. The Court should in such situation be not hesitant to step in and stop the said misuse. Prosecution needs to be quashed at an early stage to prevent undue harassment of the accused where there is clear legal infirmity in the prosecution case, such as the allegations, even if taken at their face value, do not disclose an offence or the entire case is a bad faith exercise weaponized to settle personal scores, rather than seeking justice.

18. The court has also observed in paragraph 24 that there has been an alarming increase in false complaints under the SC/ST Act, particularly against public servants and judicial officers with an oblique motive to settle personal scores or to harass individuals. Such acts cannot be allowed to be perpetuated and need to be stopped at the very outset so that there is no miscarriage of justice.

19. In the present case, the appellant is admittedly a public servant and member of Indian Postal Service and holding the high post in the area where the complainant/informant is



posted as postman in a post office. The attending circumstances of the case disclose that the respondent/informant was not discharging her duties properly and for dereliction of duty she was suspended and departmental proceeding was initiated. Only because the order of suspension and decision to hold departmental proceeding was forwarded in the official capacity to the appellant, the entire officials working in the postal department including the appellant has been made accused.

20. Considering the materials available in totality, it appears that the prosecution has been launched by the respondent no. 2 in order to take vengeance and with malice intentions. In the case of State of Haryana and Others versus Bhajan Lal and Others, reported in 1992 SUPP 1 SCC 335, Hon'ble Supreme Court has laid down the law that where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, the prosecution can be quashed.

21. In the background of the aforesaid discussion and circumstances of the case, this court is of the opinion that the prosecution has been lodged against the appellant for taking



vengeance with a view to spite the appellant on the basis of the fact that respondent no. 2 was suspended and departmental proceeding was initiated against her and a copy of which was forwarded to the appellant in his official capacity.

22. In the result, the impugned order dated 07.02.2024 passed by learned Exclusive Special Judge, SC/ST Chapra, Saran in connection with SC/ST Trial No. 184 of 2022 is quashed. Allowing the proceeding to continue further will cause abuse of the process of Court and miscarriage of justice to the appellant.

23. Accordingly, the entire prosecution is also quashed.

(Anil Kumar Sinha, J)

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