

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5522 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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1. Jai Prakash Prasad S/o Muneshwar mahto R/o - Village Baikathpur, P.S.- Ariyari, District- Sheikhpura.
 2. Jitendra Kumar S/o Chandrika Mahto R/o - Village Baikathpur, P.S.- Ariyari, District- Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. usha Devi W/o Manoge Chaudhary R/o - Village Baikathpur, P.S.- Ariyari, District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bipin Kumar, Advocate Ms. Sarita Kumari, Advocate Mr. Abhishek Kumar, Advocate Mr. Ravikant Kumar, Advocate
For the Informant	:	Mr. Sheo Nandan Prasad, Advocate Ms. Sweta Burnwal, Advocate Mr. Rajnish Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Sp.PP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 16-03-2026 Heard learned counsel for the appellants, learned counsel for the Informant and learned Special Public Prosecutor for the State.

2. The present application has been filed for quashing of the order dated 10.10.2023 passed by learned Additional District Judge-1st, Sheikhpura in SC/ST Case No. 25/2023. Whereby and whereunder cognizance has been taken against the appellants for offences under Sections 341, 323, 354, 354(B), 504, 506/34 of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)



of the SC/ST (Prevention of Atrocities) Act.

3. The prosecution story, in brief, is that on 31.05.2023, the complainant was called to the office of Appellant No. 1, who is the Headmaster of the school, where he abused her by taking her caste name. Appellant No. 1 told the complainant that he would not allow her to become the Chairperson of *Utkramit Middle School, Baikatpur*. When the complainant protested, Appellant No. 1 pushed her on the ground holding her hair and Appellant No. 2, who is the nephew of Appellant No. 1, also abused the complainant and assaulted her with kicks and punches. Thereafter, both the appellants pulled her *saree* with intention to outrage her modesty. The complainant has also stated that both the appellants are powerful persons in the village, due to which she was not able to register her FIR.

4. Learned counsel for the appellants submits that false and frivolous complaint has been lodged by O.P. No. 2/complainant with ulterior motive, as she wanted to become the Chairperson of *Utkramit Middle School, Baikatpur*. It is further submitted that the complainant is the Ward Member of Ward No. 9, whereas the said school falls within Ward No. 10, and therefore she was not eligible to become the Chairperson of



Vidyalaya Shiksha Samiti.

5. Learned counsel further submits that by lodging the false complaint, the complainant intended to put pressure upon the appellants. Appellant No. 1 is the Headmaster of *Utkramit Middle School, Baikatpur*, while Appellant No. 2 and the complainant are candidates for the post of Chairperson of the said School Education Committee. It is submitted that the school admittedly falls within Ward No. 10, whereas the complainant is the Ward Member of Ward No. 9.

6. Learned counsel further submits that as per the letter issued by the Block Education Officer (B.E.O.), Ariyari, dated 26.05.2023, annexed as Annexure-3, it appears that in accordance with the relevant rules, the Ward Member of the ward in which the school is situated shall be the *ex officio* Chairperson of the *Vidyalaya Shiksha Samiti*.

7. It has also been submitted that Appellant No. 2 had earlier filed a complaint before the Sub-Divisional Public Grievance Redressal Authority, Sheikhpura, regarding the appointment of the Chairperson of the *Vidyalaya Shiksha Samiti* of *Utkramit Middle School, Baikatpur*. The Grievance Redressal Officer, vide order dated 10.05.2023, directed that the Chairperson of the *Vidyalaya Shiksha Samiti* should be



appointed from the ward in which the school is situated, i.e., Ward No. 10.

8. Since the complainant admittedly belongs to Ward No. 9, she was not eligible to be appointed as the Chairperson of the *Vidyalaya Shiksha Samiti* of the school in question. Thus, in abuse of the process of Court, complainant filed the present vexatious complaint in order to put pressure upon both Headmaster as well as the ward member of ward no. 10. Learned counsel for the appellant relies upon the judgment of the Hon'ble Supreme Court in the case of ***Salib @ Shalu @ Salim v. State of U.P. & Others***, reported in (2023) 20 SCC 194: 2023 (3) PLJR 389 (SC).

9. On the other hand, learned counsel for respondent No. 2 argued that there is specific allegation against the appellants that they called the complainant by her caste name, assaulted her, and also tried to outrage her modesty. The complaint has been supported by the statements of three witnesses who have corroborated the statement of the complainant and the learned Special Court has rightly taken cognizance under the provisions of the SC/ST (Prevention of Atrocities) Act, 1989, along with the relevant sections of the Indian Penal Code.



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

11. It is not disputed that appellant no. 1 is the headmaster of *Utkramit Middle School, Baikatpur* and the appointment of the chairman of *Vidyalaya Siksha Samiti* was to be done. As per the government letter as well as the order passed by the Grievance Redressal Authority, the ward member of the particular ward shall be the *ex officio* chairman of the *Vidyalaya Siksha Samiti*.

12. From the records, it also appears that the school in question is falling under Ward No. 10. The complainant is the Ward Member of Ward No. 9. As such, she could not have been appointed or made chairperson of the *Vidyalaya Siksha Samiti* of the concerned School.

13. From the complaint, it does not appear that the alleged abuse using the caste name was made in full public view or with the intention to denigrate the prestige of the complainant. Merely stating the caste or using simple abusive language, especially if not in full public view, does not automatically constitute an offence under Section 3(1)(r) and (s) of the SC/ST (Prevention of Atrocities) Act, 1989.



14. In the judgment of *Salib @ Shalu @ Salim* (supra), the Hon'ble Supreme Court in paragraph 26 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 CrPC 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.

15. Similarly, the Hon'ble Supreme Court in *Mohd. Wajid & Anr. v. State of U.P. & Ors.*, reported in (2023) 20 SCC 219, has also held that “.....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 CrPC 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.....”

16. In the present matter the complaint has been filed due to conflict of interest of the complainant as well as the claim of Appellant No. 2 for the chairmanship of *Vidyalaya Siksha Samiti* of the *Utkramit Middle School, Baikatpur*.

17. From the reports, it appears that the school in question falls under Ward No. 10. Appellant No. 2 was the Ward Member of Ward No. 10 and was therefore eligible to be appointed as the Chairman of the *Vidyalaya Shiksha Samiti*. The complainant, being the Ward Member of Ward No. 9, could not have been appointed as the Chairman of the *Vidyalaya Shiksha Samiti* of the school which is falling in Ward No. 10.

18. Considering the entire attending circumstances and the nature of allegation, this court is of the view that a frivolous vexatious complaint has been lodged in order to put pressure upon the appellants for her appointment as the chairman of the *Vidyalaya Siksha Samiti*. The complaint was lodged in abuse of the process of Court to harass the appellants and the learned Special Court has taken cognizance without application of mind and without considering the attending



circumstances. In the result, I find that the impugned order is not sustainable.

19. Accordingly, the order of cognizance dated 10.10.2023 is set aside, and the entire prosecution against the appellants is also quashed.

20. This appeal is, accordingly, allowed.

(Anil Kumar Sinha, J)

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