2026:AHC:209705

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 6147 of 2026

Vinod Kumar Prajapati And 4 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Sunil Kumar Yadav, Uttam Kumar Singh
Counsel for Respondent(s) : G.A., Ramesh Chand

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Rejoinder affidavit filed by learned counsel for the appellant is taken on record.

2. Heard learned counsel for the appellants, learned counsel for opposite party no.2 and learned A.G.A. for the State and perused the record.

3. This criminal appeal has been filed under Section 14-A(1) of S.C. & S.T. Act against the impugned cognizance/summoning order dated 08.04.2026 passed by the Court of learned Additional District Judge/SC/ST, Allahabad in Special Session Trial No. 525 of 2026 (State Vs. Pramod Kumar Prajapati and others), charge sheet No. 322 of 2024 and charge-sheet dated 20.09.2024, arising out of Case Crime No. 462 of 2024, under Section 147, 323, 504, 506, 352 I.P.C. and Section 3(2)(va), 3(1)Da, 3(1)Dha SC/ST Act against the appellant nos.1 to 4 and under Section 147, 323, 504, 506, 352, 354Kha I.P.C. and Section 3(2)(va) and 3(1)Da, 3(1)Dha of SC/ST Act against the appellant no. 5, Police Station-Handia, District-Prayagraj.

4. Tersely, as per F.I.R. version, the informant, Dayaram Pasi, alleged that his wife, Saroj Devi, was allotted land bearing Gata No. 268 by the Gram Sabha and that the accused appellants attempted to dispossess them. On 30.05.2020, the accused persons allegedly entered the disputed land, abused and assaulted the informant and his family members, and attempted to take forcible possession thereof. Caste-related abusive words were also allegedly used.

5. Briefly, the grounds of the appeal are that the impugned cognizance/summoning order dated 08.04.2026 passed by the Court of

learned Additional District Judge/SC/ST, Allahabad is wholly illegal and not sustainable in the eyes of law. The impugned order is based on surmises and conjunctures as such same is liable to be quashed.

6. Learned counsel for the accused-appellants submits that the impugned proceedings are an abuse of the process of law, as the dispute primarily arises out of the lease and possession of land bearing Gata No. 268 and is essentially civil in nature. It is further submitted that the medical evidence does not corroborate the prosecution version. Except for a healed lacerated wound on the informant, the remaining injuries were merely complaints of pain, and the alleged knife injury attributed to accused-appellant Manoj Kumar Prajapati finds no support from the medical report. The medical examination was also conducted after considerable delay without any satisfactory explanation. With regard to the S.C. & S.T. Act, it is argued that there is no specific allegation attributing any casteist slur to any particular accused appelants with the intention to insult or humiliate the informant on the ground of his caste. Thus, the material on record does not disclose the essential ingredients of the alleged offences, and the criminal proceedings, having been initiated to give a criminal colour to a civil dispute, deserve to be quashed.

7. Per contra, learned counsel for opposite party no.2 and learned A.G.A. for the State submit that the accused-appellants are specifically named in the F.I.R., and their involvement is supported by the statements of the informant and injured witnesses. The prosecution case cannot be discarded merely on the basis of alleged discrepancies between the ocular and medical evidence at the preliminary stage. It is further submitted that the injuries sustained by the informant and other persons corroborate the occurrence, and the absence of a sharp-edged injury or the delay in medical examination are matters for appreciation of evidence during trial. With regard to the S.C./S.T. Act, it is submitted that the statement of Priyanka Surwanshi specifically mentions the use of caste-related words "Pasi" and "Chamar". Whether such words were used with the intention to insult or humiliate the informant on the ground of his caste is a matter to be determined on the basis of evidence and cannot be conclusively decided at this stage. It is, therefore, contended that the F.I.R. and other material disclose prima facie offences against the accused-appellants. The existence of a civil dispute does not bar criminal proceedings where cognizable offences are otherwise disclosed. Accordingly, the prayer for quashing the proceedings deserves to be rejected.

8. Accused-appellants Vinod Kumar Prajapati, Taulan Prajapati, Shivsahay @ Ramsahay, Manoj Kumar Prajapati and Pramod Kumar Prajapati are named in the First Information Report. The allegation is that the accused-appellants committed marpeet and caused injuries in connection with the lease of land bearing Gata No.268, over which the informant Dayaram Pasi claims possession on the basis of a lease executed in his favour by the Gram Sabha. It is alleged in the F.I.R. that the accused-appellants caused injuries to the informant and other persons. Admittedly, four persons sustained injuries; however, except injury no.4 of the informant Dayaram, which was found to be a healed lacerated wound measuring 2.5 cm × 0.3 cm over the middle right side of the shoulder, the remaining injuries were merely complaints of pain. Though the FIR alleges that accused-appellant Manoj Kumar Prajapati caused a knife injury to the informant but the medical report does not corroborate the said allegation. Further, the medical examination was conducted after considerable delay, for which no plausible explanation has been furnished. It is also admitted that Case Crime No.533 of 2020 was registered by informant Dayaram Pasi on 11.08.2020 against 18 accused persons, including the present appellants, under Sections 147, 149, 504, 506, 323 and 354-Kha IPC and Section 3(2)(va) of the SC/ST Act. The victim Priyanka Surwanshi, in her statement recorded under Section 183 BNSS, alleged that the accused-appellants abused the informant by using the words "Pasi" and "Chamar". However, the informant and his family belong to the Pasi community and have no concerned with the Chamar community. There is no specific allegation that the accused-appellants used the word "Chamar" against the informant with the intention of insulting or humiliating him on the ground of his caste.

9. From the FIR and the statements of the witnesses, it appears that the genesis of the dispute is essentially a dispute between the parties regarding the lease and possession of land bearing Gata No. 268. No specific casteist slur or distinct derogatory expression has been attributed to any of the accused-appellants. For the purpose of summoning the accused persons and initiate proceedings against them under the S.C. & S.T. Act, it requires primarily that "casteist slur" should be used with intention or knowledge in order to insult or humiliate on the 'sole basis' that the victim/the complainant belongs to S.C. & S.T. category. The material available on record does not disclose such an essential ingredient. Moreover, the medical evidence does not support the allegation regarding the use of a knife or causing of any

sharp-edged injury. The nature of the injuries, coupled with the unexplained delay in medical examination, further weakens the prosecution version. In the overall facts and circumstances, it appears that the underlying dispute is predominantly civil in nature concerning the lease and possession of the disputed land, and an attempt has been made to give a criminal colour to the said civil dispute.

10. In the case of **Swaran singh Vs State, (2008) 8 SCC 435,** the Hon'ble Apex Court drew a clear distinction between the expressions "public place" and "any place within public view." A private place may still be a place within public view if the incident is visible to members of the public. Conversely, merely because an incident occurs in a public building does not automatically satisfy the requirement if it is not within public view. The Supreme Court held that words such as "Chamar", though originally denoting a caste, may amount to an offence if used as a casteist abuse with intent to humiliate a member of the Scheduled Castes. The Court emphasized that words should be understood in their popular and social meaning, not merely their etymological meaning. For attracting Section 3(1)(x) (now Sections 3(1)(r) and 3(1)(s)), there must be intentional insult or intimidation; and intent to humiliate the victim because he or she belongs to a Scheduled Caste or Scheduled Tribe. Mere abuse or quarrel, without the requisite intention contemplated by the Act, is insufficient. The Court reiterated that criminal proceedings should continue only where the allegations disclose a prima facie offence against the particular accused. Proceedings may be quashed where the FIR does not disclose the essential ingredients against an accused.

11. In **Gorige Pentaiah Vs state of AP & Ors 2009 Cri.L.J. 350,** Honble Apex court held "when the basic ingredients of the offence are missing in the complaint, then permitting such complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law." In the case of **Hitesh Verma vs. State of Uttarakhand (2020) 10 SCC 710,** the Hon'ble Suprme Court held that 'a dispute that arose inside the private house of a complainant over the possession of the land without the presence of independent public witnesses, does not satisfy the statutory threshold of Section 3(1)(r).

12. In **Inder Mohan Goswami & Another v. State of Uttaranchal & Others, AIR 2008 SC 251,** the Hon'ble Supreme Court held that criminal

prosecution should not be permitted to be used as an instrument of harassment, oppression or private vendetta. Where criminal proceedings are initiated with an ulterior motive to exert pressure or to settle personal scores arising out of a dispute predominantly civil in nature, the High Court is justified in exercising its inherent jurisdiction to quash such proceedings .

13. In **Ganga Dhar Kalita v. State of Assam, (2015) 9 SCC 647,** the Hon'ble Supreme Court reiterated that criminal proceedings should not be allowed to continue where they are instituted merely to harass the accused or to exert pressure in a civil dispute relating to property. The Court held that giving a criminal colour to a dispute which is essentially civil in nature amounts to an abuse of the process of law. At the same time, the Court clarified that the existence of a civil dispute by itself is not a ground for quashing criminal proceedings if the complaint prima facie discloses the commission of a cognizable offence.

14. Accordingly, having bestowed anxious consideration to the rival submissions and upon a careful scrutiny of the entire material available on record, this Court is of the considered opinion that the prosecution has failed to disclose even a prima facie case attracting the provisions of Section 3(2)(va) and 3(1)Da, 3(1)Dha of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The material collected during inquiry does not indicate that the alleged words or conduct were actuated by the caste or were intended to intentionally insult or humiliate any person on the ground that he belonged to a Scheduled Caste or Scheduled Tribe. Equally absent is any material to establish that the alleged occurrence took place in a place within "public view", which is a *sine qua non* for constituting the offence under the aforesaid provisions, as explained by the Hon'ble Supreme Court in ***Swaran Singh*** further reaffirmed in ***Hitesh Verma*** and ***Shajan Skaria*** (supra). Likewise, the allegations are wholly insufficient to satisfy the essential ingredients of Sections147, 323, 504, 506, 352 I.P.C. against the appellant nos.1 to 4 and under Sections 147, 323, 504, 506, 352, 354Kha I.P.C. against the appellant no.5.

15. In view of the settled legal position and the absence of foundational facts constituting the alleged offences, the impugned order passed by the learned Special Judge cannot be sustained in law. The appeal under Section 14-A of the SC/ST Act deserves to be allowed and is hereby **allowed.**

16. The impugned cognizance/summoning order dated 08.04.2026 passed by the Court of learned Additional District Judge/SC/ST, Allahabad in Special Session Trial No.525 of 2026 (State Vs. Pramod Kumar Prajapati and others), charge sheet No. 322 of 2024 and charge-sheet dated 20.09.2024, arising out of Case Crime No. 462 of 2024, under Sections 147, 323, 504, 506, 352 I.P.C. and Section 3(2)(va), 3(1)Da, 3(1)Dha SC/ST Act against the appellant nos.1 to 4 and under Section 147, 323, 504, 506, 352, 354Kha I.P.C. and Section 3(2)(va) and 3(1)Da, 3(1)Dha of SC/ST Act against the appellant no.5, Police Station-Handia, District-Prayagraj is set aside. Consequently, the proceedings under Sections 147, 323, 504, 506, 352 I.P.C. and 3(2)(va), 3(1)Da, 3(1)Dha SC/ST Act against the appellant nos.1 to 4 and under Section 147, 323, 504, 506, 352, 354Kha I.P.C. and 3(2)(va) and 3(1)Da, 3(1)Dha of SC/ST Act against the appellant no.5 stand quashed.

17. Let a copy of this order be transmitted to court concerned through District & Sessions Judge within 48 hours.

October 7, 2026
Asha

(Santosh Rai,J.)

Digitally signed by :-
ASHA
High Court of Judicature at Allahabad