2026:AHC:212556

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7136 of 2026

Ratanveer Singh And 4 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Brajesh Kumar Solanki, Samrat Vikram Singh
Counsel for Respondent(s)	:	G.A., Rajesh Kumar Pandey

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellants, Shri Rajesh Kumar Pandey, learned counsel for O.P. No.2 and learned AGA for the State.

2. The present criminal appeal has been filed by the appellants to set aside the summoning order dated 23.05.2026 passed by learned Special Judge (S.C./S.T. Act), Bulanshahr in Complaint Case No.120 of 2024 (Samay Pal Singh vs. Ratan Veer Singh and others) under Sections 333, 115(2), 352 and 351(2) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act, P.S.- Kotwali Nagar, District- Bulandshahr.

3. The complaint was filed by Samay Pal Singh against five accused persons, namely, Ratanveer Singh, Smt. Rakesh, Manish, Mahendra Singh and Omveer Singh. The complainant, Samay Pal Singh, is a retired senior bank manager and is stated to be the landlord of the shops let out to the accused persons. The accused persons are tenants in the said shops. As per the prosecution story, the dispute between the parties primarily arises out of the landlord-tenant relationship and relates to the vacation of the tenanted premises. It is alleged that when the complainant asked the accused persons to vacate the shops, they caused injuries to the complainant and hurled caste-based abuses at him.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in Complaint Case No.120 of 2024 on account of a dispute between the landlord and tenants concerning rent and eviction from the shops in question. It is submitted that the complainant has

initiated the criminal proceedings with the ulterior motive of pressurising the appellants to vacate the shops and let them out at a higher rent. The complainant has already instituted SCC suits for eviction and recovery of arrears of rent against the appellants. It is further submitted that the allegations do not disclose the commission of any prima facie offence under the relevant provisions of the B.N.S. or the SC/ST Act, and the summoning order dated 23.05.2026 has been passed without proper application of judicial mind. Accordingly, it is prayed that the impugned summoning order and the consequential proceedings be quashed.

5. Learned AGA and learned counsel for opposite party no.2 submit that the complainant belongs to the Scheduled Caste community and has specifically alleged that the appellants entered his house and abused him on caste-related grounds on 26.10.2023 and 27.10.2023. It is submitted that the complainant's statement, along with the statements of the witnesses recorded during the complaint proceedings, supports the allegations against the appellants. The allegations disclose the commission of cognizable offences, and the learned Special Judge has rightly summoned the appellants after considering the material available on record. The mere pendency of a landlord-tenant dispute or eviction proceedings does not, by itself, render the criminal complaint false or justify quashing the summoning order. Accordingly, the appeal is liable to be dismissed.

6. Admittedly, the alleged incident took place on 27.10.2023 at about 4:30 p.m. inside the complainant's house, where he was present at the relevant time. Cognizance was taken against all five accused persons, who have preferred the present appeals. A perusal of the complaint and the statements of the complainant and the witnesses recorded under Sections 223 and 225 of the BNSS, indicates that the dispute between the parties essentially concerns the tenancy. Although, injury report is available on record, the complaint was filed on 13.12.2024, approximately one year and two months after the alleged incident, and no plausible explanation has been furnished for the delay. It is further evident that three civil suits are pending between the parties, namely, Civil Suit No.2 of 2025, instituted by Samay Pal Singh against Ratanveer Singh, Civil Suit No.3 of 2025, instituted by Samay Pal Singh against Mahendra Singh and Civil

Suit No.4 of 2025, instituted by Samay Pal Singh against Omveer Singh. The averments contained in the complaint indicate that the tenancy and arrears of rent constitute the principal matters in dispute between the parties. So far as the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, are concerned, the allegations must satisfy the essential ingredients of the relevant statutory provisions. In the present case, no specific caste-based words or expressions has been allegedly used by the accused persons to intentionally insult or humiliate the complainant on the sole ground of his belonging to the SC/ST category. Moreover, the alleged incident is stated to have occurred inside the complainant's house, and the material on record does not indicate that the alleged offence was committed within public view, as contemplated under the relevant provisions of the Act.

7. 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.

8. 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).

9. In the case of **Shajan Skraria vs. State of Kerala and another, 2024 SCC Online SC 2249,** the Hon'ble Apex Court by quoting the cases of Hitesh Verma (Supra) has held as under:

> *"13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that Respondent 2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that Respondent 2 is a member of Scheduled Caste."*
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> *In Khuman Singh v. State of M.P., (2020) 18 SCC 763*
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> *"15. As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2)(v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. Thus, the dictum as laid aforesaid is that the offence under Section 3(1)(r) of the Act, 1989 is not*

established merely on the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless there is an intention to humiliate such a member for the reason that he belongs to such community. In other words, it is not the purport of the Act, 1989 that every act of intentional insult or intimidation meted by a person who is not a member of a Scheduled Caste or Scheduled Tribe to a person who belongs to a Scheduled Caste or Scheduled Tribe would attract Section 3(1)(r) of the Act, 1989 merely because it is committed against a person who happens to be a member of a Scheduled Caste or Scheduled Tribe. On the contrary, Section 3(1)(r) of the Act, 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe. I say so because the object behind the enactment of the Act, 1989 was to provide stringent provisions for punishment of offences which are targeted towards persons belonging to the SC/ST communities for the reason of their caste status."

10. 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

11. 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.

12. Having considered the rival submissions, the material brought on

record, and the law laid down by the Hon'ble Supreme Court in the aforesaid decisions, this Court finds that the allegations contained in the First Information Report and the material collected during investigation do not prima facie disclose the essential ingredients of the offences punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act. The tenancy and arrears of rent constitute the principal matters in dispute between the parties. In the absence of any specific allegation of intentional caste-based insult or humiliation attracting the provisions of the SC/ST Act, permitting the criminal proceedings to continue would amount to an abuse of the process of law. Consequently, the impugned summoning order cannot be sustained in the eyes of law.

13. Consequently, the summoning order dated 23.05.2026 passed by learned Special Judge (S.C./S.T. Act), Bulanshahr in Complaint Case No.120 of 2024 (Samay Pal Singh vs. Ratan Veer Singh and others) under Sections 333, 115(2), 352 and 351(2) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act, P.S.- Kotwali Nagar, District-Bulandshahr, is hereby set aside.

14. The appeal is, accordingly, **allowed**.

15. Registrar (Compliance) is directed to communicate the instant order to the court concerned through District and Sessions Judge, Bulandshahr by e-mail/FAX within 48 hours.

(Santosh Rai,J.)

October 9, 2026
Ankit.

Digitally signed by :-
ANKIT VISHWAKARMA
High Court of Judicature at Allahabad