2026:AHC:208669

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8477 of 2026

Prabal Singh And 2 Others

.....Appellant(s)

Versus

State Of U.P. And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Hans Pratap Singh
Counsel for Respondent(s)	:	G.A., Shubham Yadav

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellants/applicants, learned counsel for opposite party no.2 and learned AGA for the State.

2. The present criminal appeal has been filed by the appellants with a prayer to set aside the entire proceeding, charge-sheet no.A1 dated 12.8.2025 as well as the impugned summoning order dated 17.10.2025 passed by Special Judge, SC/ST (PA) Act, Jalaun at Orai in Special Session Trial No.81 of 2025 (State Vs. Prabal Singh & Ors.), arising out of Case Crime No.116 of 2025, under Sections 115(2), 316(2), 352, 351(2) B.N.S. and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.-Ait, District- Jalaun.

3. Learned counsel for the appellants submits that the FIR has been lodged after an unexplained delay and the medical examination of the injured was conducted after one day of the alleged incident. It is further submitted that the allegations arise out of a financial transaction between the parties and that no caste-based insult, humiliation, or use of caste-related words has been attributed to the appellants either in the FIR or in the statement of the injured. Accordingly, it is prayed that the impugned order be set aside.

4. Learned counsel for opposite party no.2, as well as learned A.G.A., has opposed the appeal and submits that the FIR specifically names the accused-appellants alongwith two his companions and assigns a clear and

specific role to them in causing injuries to the injured informant. It is further submitted that the statement of the injured corroborates the allegations made in the FIR and that the injury report also supports the prosecution version by disclosing injuries sustained by the victim. The alleged delay in lodging the FIR and the time gap in conducting the medical examination are matters relating to appreciation of evidence and may appropriately be considered by the learned trial court at the stage of trial. It is thus submitted that sufficient prima facie material is available on record against the appellants and no interference is warranted at this stage.

5. In the First Information Report, accused-appellant no.1, namely, Prabal Singh, alongwith two other persons, has been specifically named. The allegation, as set out in the FIR, is that the informant/injured, Munna verma, had paid a sum of Rs.3,00,000/- through other person to appellant no.1, Prabal Singh. As the said amount was not paid, when the informant/injured demanded the same from appellant no.1, the appellant, along with his two associates, allegedly assaulted him and caused injuries. The injury report available on record discloses that the injured sustained three injuries of abrasions. Learned counsel for the accused-appellants has submitted that the FIR was lodged with delay and that the medical examination of the injured was conducted after one day of the alleged incident. In the opinion of this Court, the effect and evidentiary value of the delay in lodging the FIR as well as the time gap in preparation of the medical report are matters which may appropriately be considered by the learned trial court at the stage of trial, after appreciation of the evidence brought on record. So far as the involvement of the accused-appellants is concerned, specific roles have been attributed to them in the statement of the injured. However, a perusal of the FIR as well as the statement of the injured does not disclose any specific allegation that the accused-appellants used caste-related words or acted with the intention to insult or humiliate the victim on the ground of his belonging to SC/ST category. The financial transaction between the parties is also an admitted circumstance.

6. 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.

7. 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).

8. 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."

In Khuman Singh v. State of M.P., (2020) 18 SCC 763

"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."

9. 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 Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The material collected during investigation/inquiry does not indicate that the alleged words or conduct were actuated by the caste of the informant or were intended to intentionally insult or humiliate the informant on the ground that he belongs to SC/ST category.

10. For the reasons recorded hereinabove, this Court is of the considered opinion that the essential ingredients constituting the offences under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act are conspicuously absent from the material collected during investigation, and the continuance of proceedings for the said offences would amount to an abuse of the process of law. Consequently, the appeal under Section 14-A of the SC/ST Act is **partly allowed**.

11. The impugned summoning order dated 17.10.2025 passed by Special Judge, SC/ST (PA) Act, Jalaun at Orai in Special Session Trial No.81 of 2025 (State Vs. Prabal Singh & Ors.), arising out of Case Crime No.116 of 2025, under Sections 115(2), 316(2), 352, 351(2) B.N.S. and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Ait, District- Jalaun, is modified to the extent that the appellants stand discharged of the offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act.

12. Nevertheless, since a prima facie case is made out for the offences punishable under Sections 115(2), 316(2), 352, 351(2) B.N.S., the prosecution in respect thereof shall continue and be concluded expeditiously, in accordance with law. The trial court shall proceed uninfluenced by any observation made herein on the merits of the case.

13. Registrar (Compliance) is directed to serve a copy of this order by

FAX/e-mail to the court concerned through District & Sessions Judge concerned within 48 hours.

(Santosh Rai,J.)

October 6, 2026
RA

Digitally signed by :-
RAZIQ ALI
High Court of Judicature at Allahabad