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**(2014) 04 JH CK 0012**  
**In the Jharkhand High Court**  
**Case No : Cr. M.P. No. 2105 of 2013**

Birendra Kumar

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

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**Date of Decision :** 01-04-2014

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 147, 148, 149, 323, 447  
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —  
Section 3(1)(x)

**Citation :** (2014) 2 JLJR 418

**Hon'ble Judges :** Rakesh Ranjan Prasad, J

**Bench :** Single Bench

**Advocate :** V.K. Tiwary, S.K. Mishra and Pravin Kumar, Advocate for the Appellant; Rajeev Ranjan Tiwary for the O.P. No. 2, Advocate for the Respondent

**Final Decision :** Allowed

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## Judgement

Rakesh Ranjan Prasad, J.—Heard learned counsel appearing for the petitioners and learned counsel appearing for the P.P. No. 2 as well as learned counsel appearing for the State. The First Information Report of S.T. S.C. P.S. Case No. 41 of 2007 registered under Sections 147, 148, 149, 323, 504, 447 of the Indian Penal Code and also u/s 3(1)(x) of the S.T. and S.C. (Prevention of Atrocities) Act, 1989 is being sought to be quashed on the ground that the parties have compounded the offences which are compoundable and that offence u/s 3(1)(x) of the ST. and S.C. (Prevention of Atrocities) Act is not made out.

2. The case of the prosecution is that while the informant was ploughing her field alongwith other family members including the husband, 10-12 persons armed with rifle, guns etc., came over there and asked them to leave that place. When they objected, the accused persons assaulted the informant as well as her husband and they also behaved indecently.

3. On such allegation, F.I.R. as S.T. S.C. P.S. Case No. 41 of 2007 was registered under Sections 147, 148, 149, 323, 504, 447 of the Indian Penal Code and also

u/s 3(1)(x) of the S.T. and S.C. (Prevention of Atrocities) Act, 1989.

4. According to the learned counsel appearing for the petitioners, the parties got the dispute resolved and have filed a joint compromise petition and hence, the offences under Sections 323, 504, 447 I.P.C., as alleged, be allowed to be compounded. Since the parties have compounded the main offence, the offence under Sections 147 and 148 I.P.C. also be allowed to be compounded.

5. Further submission is that no offence is made out u/s 3(1)(x) of the S.T. and S.C. (Prevention of Atrocities) Act as the alleged assault has never been made either upon the informant or her husband with a view to insult or intimidate with intent to humiliate them.

6. I do find substance in the submission advanced on behalf of the petitioners that whatever allegations have been levelled about the assault being made upon the informant and her husband, but such assault in the facts and circumstances of the case as is appearing from the First Information Report never seems to have been made with intent to humiliate and insult the informant or her husband and thereby, no offence is made out u/s 3(1)(x) of the S.T. and S.C. (Prevention of Atrocities) Act.

7. Learned counsel appearing for the opposite party No. 2 accepts that the parties have got their dispute resolved and they have entered into a compromise and thereby, a joint compromise petition has been filed before the court below.

8. Under the circumstances, the First Information Report of S.T. S.C. P.S. Case No. 41 of 2007 is hereby, quashed, so far the abovenamed four petitioners are concerned. In the result, this petition stands allowed.