

(2026) 08 KAR CK 2144
In the Karnataka High Court, Bengaluru Bench
Case No : Criminal Petition No.93 of 2026

C.P.Victor

APPELLANT

Vs

State Of Karnataka & Anr.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482, 200, 156(1), 155(2)
Bharatiya Nyaya Sanhita, 2023 — Sections 115(2), 351(2), 352, 3(5)
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(1)(xi)
Indian Penal Code — Section 506, 34, 503
Constitution of India — Article 142, 15, 17 and 21, 226
Amending Act (Central Act 27 of 2018)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528

Citation : (2026) 08 KAR CK 2144

Hon'ble Judges : M. Nagaprasanna, J

Bench : Single Bench

Advocate : Sri Rajath, Smt. Waheeda M.M., Sri R. Gururaju

Final Decision : Allowed

Judgement

The petitioner, sole accused, is before the Court calling in question registration of a crime in Crime No.557 of 2025 registered for offences punishable under Sections 115(2), 351(2), 352 and 3(5) of the BNS and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act' for short).

2. Heard Sri Rajath, learned counsel appearing for the petitioner, Smt. Waheeda, M.M, learned High Court Government Pleader appearing for respondent No.1 and Sri R.Gururaju, respondent No.2, party in-person.

3. Facts, in brief, germane are as follows: -

The 2nd respondent is the complainant. The petitioner and the 2nd respondent are members of Balachandra Layout Residents Welfare Association ('the

Association' for short). The petitioner was serving at the relevant point in time as President of the Association. The complainant receives a notice from Bruhat Bengaluru Mahanagara Palike (for short 'BBMP') regarding the construction undertaken by him in the layout. It is alleged that the 2nd respondent has received the said notice at the behest of the petitioner, who was the President of the Association. The notice was issued in the wake of the alleged construction by the complainant contrary to law and the fact of a seven-storey building collapsing, which was the apartment complex abutting the layout. Therefore, due to the recent collapse of that seven-storey building, the Association led by the petitioner submitted a representation to the BBMP placing their concern over sewage overload, rain water harvesting, asphalt of roads and on other issues. Pursuant to this representation, WhatsApp messages are sent in the group with regard to adherence to the law in the capacity of being the President of the Association. The WhatsApp messages reach the complainant. The complainant reaches the jurisdictional Police Station and registers a crime in Crime No.419 of 2024 invoking all known provisions of the IPC and the provisions of the Act. The complainant also goes to the jurisdictional Court and files a private complaint invoking Section 200 of the Cr.P.C, which comes to be registered as P.C.R.No.17 of 2025, against 140 persons of the apartment complex who are all part of the WhatsApp group in which he is also a part. The said private complaint is also registered invoking all known provisions of the BNS and the Act. In the interregnum, the complainant registers the impugned crime in Crime No.557 of 2025 for the afore-quoted offences. The registration of the impugned crime in Crime No.557 of 2025 is what has driven the petitioner to this Court in the subject petition.

4. The learned counsel Sri Rajath appearing for the petitioner would submit that the BBMP issuing notice is in the discharge of its functions. The WhatsApp message circulated is for the protection of residents and to caution them against law. The present petition is a clear counter-blast to the notice issued by the BBMP or the whatsapp message circulated as the complainant was undertaking construction in violation of law. The learned counsel submits that the petitioner was not even aware to what caste the complainant belongs, let alone hurling of abuses against him taking the name of his caste. He seeks quashment of crime.

5. *Per contra*, the 2nd respondent who appears in person would vehemently refute the submissions contending that interim order is secured at the hands of this Court by producing false documents. The petitioner and others have hurled abuses against him. The abuses were hurled in broad day light. They knew fully well that he belongs to the Scheduled Caste. The delay in registration of the complaint is only because the complainant approached Dalit Sangharsh Samithi. It is only then the complaint is registered. On all these grounds, the 2nd respondent-in-person seeks dismissal of the petition.

6. Learned High Court Government Pleader appearing for respondent No.1 - State would toe the lines of the 2nd respondent-in-person in seeking dismissal of

the petition.

7. I have given my anxious consideration to the submissions made by the learned counsel for the petitioner, the learned High Court Government Pleader and the 2nd respondent-in-person and have perused the material on record.

8. The issue lies in a narrow compass. A prelude to the complaint is necessary to be noticed. The Association with signatories of several persons brings it to the notice of the Chief Commissioner, BBMP as to what is happening in and around the layout. The communication reads as follows:

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

WhatsApp messages are sent to all the residents. The WhatsApp message reads as follows:

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[An exhibit is reproduced here in the original judgment.]

[illegible]

All that the WhatsApp messages read was that several new families, which have come into the layout are undertaking construction contrary to law without permission. The complainant is a member of the Association and receives the

said WhatsApp message.

Pursuant to the said WhatsApp message or communication to the BBMP as quoted hereinabove, a notice is issued of inspection in the lay-out. The notice reads as follows:

(#ಸಿಫ್ಟಿ? & ಸಿಂಗಳ(ರು ಅಡ,ತ (? .? ಾ./ 2024 ರ ಕಲಂ 311 ?ಾಗೂ 312 ರಯ23)

9. It is in such cases, the Apex Court has held that prior to registration of a crime for offences punishable under the Act, the officers must be vigilant in the wake of the provisions of the stringent statute. The Apex Court in the case of **GULAM MUSTAFA v. STATE OF KARNATAKA**¹ holds as follows:

".... .."

34. Insofar and inasmuch as interference in cases involving the SC/ST Act is concerned, we may only point out that a three-Judge Bench of this Court in **Ramawatar v. State of M.P.** [**Ramawatar v. State of M.P.**, (2022) 13 SCC 635] , has held that the mere fact that the offence is covered under a "special statute" would not inhibit this Court or the High Court from exercising their respective powers under Article 142 of the Constitution or Section 482 of the Code, in the terms below : (SCC pp. 641-42, paras 16-17)

"16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The SC/ST Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The Courts have to be mindful of the fact that the SC/ST Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, **where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of the proceedings.** On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the SC/ST Act would not be contravened or diminished even if the felony in question goes unpunished, *the mere fact that the offence is covered under a "special statute" would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482CrPC."*

(emphasis supplied)

35. We have bestowed anxious consideration to the precedents cited by the learned counsel for the respondents and are of the view that the same are inapposite to the factual scenario herein. Suffice it would be to state that while the propositions laid down therein are not disputed, they do not prejudice the version of the present appellant.

Tapan Kumar Singh [**CBI v. Tapan Kumar Singh**, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305] and *Naresh* [**State of U.P. v. Naresh**, (2011) 4 SCC 324 : (2011) 2 SCC (Cri) 216]

indicate that the FIR need not be a detailed one, as it is only to initiate the investigative process and the police should ordinarily be allowed to investigate. This is the general rule, but not a fetter on this Court or the High Court in an appropriate case.

36. What is evincible from the extant case law is that this Court has been consistent in interfering in such matters where purely civil disputes, more often than not, relating to land and/or money are given the colour of criminality, only for the purposes of exerting extra-judicial pressure on the party concerned, which, we reiterate, is nothing but abuse of the process of the court.

37. In the present case, there is a huge, and quite frankly, unexplained delay of over 60 years in initiating dispute with regard to the ownership of the land in question, and the criminal case has been lodged only after failure to obtain relief in the civil suits, coupled with denial of relief in the interim therein to Respondent 2/her family members. It is evident that resort was now being had to criminal proceedings which, in the considered opinion of this Court, is with ulterior motives, for oblique reasons and is a clear case of vengeance.

38. The Court would also note that even if the allegations are taken to be true on their face value, it is not discernible that any offence can be said to have been made out under the SC/ST Act against the appellant. The complaint and FIR are frivolous, vexatious and oppressive.

39. This Court would indicate that the officers, who institute an FIR, based on any complaint, are duty-bound to be vigilant before invoking any provision of a very stringent statute, like the SC/ST Act, which imposes serious penal consequences on the accused concerned. The officer has to be satisfied that the provisions he seeks to invoke prima facie apply to the case at hand. We clarify that our remarks, in no manner, are to dilute the applicability of special/stringent statutes, but only to remind the police not to mechanically apply the law, de hors reference to the factual position."

(Emphasis supplied)

Insofar as abuses that are allegedly made, the Apex Court considers the entire spectrum of the Act and members of Scheduled Castes and Scheduled Tribes misusing the provisions of the Act to settle their personal scores exhorting extra judicial pressure.

9.1. Earlier to the judgment of the Apex Court in **GULAM MUSTAFA** *supra*, the Apex Court in the case of **HITESH VERMA v. STATE OF UTTARAKHAND**² has held as follows:

"....

14. Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as *Swaran Singh v. State* [*Swaran Singh v. State*, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] . The Court had drawn distinction between the expression "public place" and "in any place within public view". It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in

the public view (*sic*) [**Ed.** : This sentence appears to be contrary to what is stated below in the extract from *Swaran Singh*, (2008) 8 SCC 435, at p. 736d-e, and in the application of this principle in para 15, below: "Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view."] . The Court held as under: (SCC pp. 443-44, para 28)

"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a "chamar") when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. **It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaonsabha or an instrumentality of the State, and not by private persons or private bodies.**" (emphasis in original)

15. **As per the FIR, the allegations of abusing the informant were within the four walls of her building. It is not the case of the informant that there was any member of the public (not merely relatives or friends) at the time of the incident in the house. Therefore, the basic ingredient that the words were uttered "in any place within public view" is not made out. In the list of witnesses appended to the charge-sheet, certain witnesses are named but it could not be said that those were the persons present within the four walls of the building. The offence is alleged to have taken place within the four walls of the building. Therefore, in view of the judgment of this Court in *Swaran Singh* [*Swaran Singh v. State*, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] , it cannot be said to be a place within public view as none was said to be present within the four walls of the building as per the FIR and/or charge-sheet.**

16. **There is a dispute about the possession of the land which is the subject-matter of civil dispute between the parties as per Respondent 2 herself. Due to dispute, the appellant and others were not permitting Respondent 2 to cultivate the land for the last six months. Since the matter is regarding possession of property pending before the civil court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe.**

17. In another judgment reported as *Khuman Singh v. State of M.P.* [*Khuman Singh v. State of M.P.*, (2020) 18 SCC 763 : 2019 SCC OnLine SC 1104], **this Court held that in a case for applicability of Section 3(2)(v) of the Act, the fact that the deceased belonged to Scheduled Caste would not be enough to inflict enhanced punishment. This Court held that there was nothing to suggest that the offence was committed by the appellant only because the deceased belonged to**

Scheduled Caste. The Court held as under:

"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. In the present case, the fact that the deceased was belonging to "Khangar" Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable."

18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste.In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.

19. This Court in a judgment reported as *Subhash Kashinath Mahajan v. State of Maharashtra* [*Subhash Kashinath Mahajan v. State of Maharashtra*, (2018) 6 SCC 454: (2018) 3 SCC (Cri) 124] issued certain directions in respect of investigations required to be conducted under the Act. In a review filed by the Union against the said judgment, this Court in a judgment reported as *Union of India v. State of Maharashtra* [*Union of India v. State of Maharashtra*, (2020) 4 SCC 761: (2020) 2 SCC (Cri) 686] reviewed the directions issued by this Court and held that if there is a false and unsubstantiated FIR, the proceedings under Section 482 of the Code can be invoked. The Court held as under: (*Union of India case* [*Union of India v. State of Maharashtra*, (2020) 4 SCC 761: (2020) 2 SCC (Cri) 686], SCC p. 797, para 52)

"52. There is no presumption that the members of the Scheduled Castes and Scheduled Tribes may misuse the provisions of law as a class and it is not resorted to by the members of the upper castes or the members of the elite class. For lodging a false report, it cannot be said that the caste of a person is the cause. It is due to the human failing and not due to the caste factor. Caste is not attributable to such an act. On the other hand, members of the Scheduled Castes and Scheduled Tribes due to backwardness hardly muster the courage to lodge even a first information report, much less, a false one. In case it is found to be false/unsubstantiated, it may be due to the faulty investigation or for other various reasons including human failings irrespective of caste factor. There may be certain cases which may be false that can be a ground for interference by the Court, but the law cannot be changed due to such misuse. In such a situation, it can be taken care of in proceeding under Section 482 CrPC."

20. Later, while examining the constitutionality of the provisions of the amending Act (Central Act 27 of 2018), this Court in a judgment reported as *Prathvi Raj Chauhan v. Union of India* [*Prathvi Raj Chauhan v. Union of India*, (2020) 4 SCC 727: (2020) 2 SCC (Cri) 657] held that proceedings can be quashed under Section 482 of the Code. It was held as under: (SCC p. 751, para 12)

"12. The Court can, in exceptional cases, exercise power under Section 482 CrPC for quashing the cases to prevent misuse of provisions on settled parameters, as already observed while deciding the review petitions. The legal position is clear, and no argument to the contrary has been raised."

21. In *Gorige Pentaiah* [*Gorige Pentaiah v. State of A.P.*, (2008) 12 SCC 531 : (2009) 1

SCC (Cri) 446] , **one of the arguments raised was non-disclosure of the caste of the accused but the facts were almost similar as there was civil dispute between parties pending and the allegation was that the accused has called abuses in the name of the caste of the victim.** The High Court herein has misread the judgment of this Court in *Ashabai Machindra Adhagale* [*Ashabai Machindra Adhagale v. State of Maharashtra*, (2009) 3 SCC 789 : (2009) 2 SCC (Cri) 20] as it was not a case about the caste of the victim but the fact that the accused was belonging to upper caste was not mentioned in the FIR. The High Court of Bombay had quashed the proceedings for the reason that the caste of the accused was not mentioned in the FIR, therefore, the offence under Section 3(1)(xi) of the Act is not made out. In an appeal against the decision of the Bombay High Court, this Court held that this will be the matter of investigation as to whether the accused either belongs to or does not belong to Scheduled Caste or Scheduled Tribe. Therefore, the High Court erred in law to dismiss the quashing petition relying upon later larger Bench judgment.

22. The appellant had sought quashing of the charge-sheet on the ground that the allegation does not make out an offence under the Act against the appellant merely because Respondent 2 was a Scheduled Caste since the property dispute was not on account of the fact that Respondent 2 was a Scheduled Caste. **The property disputes between a vulnerable section of the society and a person of upper caste will not disclose any offence under the Act unless, the allegations are on account of the victim being a Scheduled Caste. Still further, the finding that the appellant was aware of the caste of the informant is wholly inconsequential as the knowledge does not bar any person to protect his rights by way of a procedure established by law.**

23. This Court in a judgment reported as *Ishwar Pratap Singh v. State of U.P.* [*Ishwar Pratap Singh v. State of U.P.*, (2018) 13 SCC 612 : (2018) 3 SCC (Cri) 818] held that there is part. In a petition filed under Section 482 of the Code, **the High Court is required to examine as to whether its intervention is required for prevention of abuse of process of law or otherwise to secure the ends of justice.** The Court held as under : (SCC p. 618, para 9)

"9. Having regard to the settled legal position on external interference in investigation and the specific facts of this case, we are of the view that the High Court ought to have exercised its jurisdiction under Section 482 CrPC to secure the ends of justice. There is no prohibition under law for quashing a charge-sheet in part. A person may be accused of several offences under different penal statutes, as in the instant case. He could be aggrieved of prosecution only on a particular charge or charges, on any ground available to him in law. Under Section 482, all that the High Court is required to examine is whether its intervention is required for implementing orders under the Criminal Procedure Code or for prevention of abuse of process, or otherwise to secure the ends of justice. A charge-sheet filed at the dictate of somebody other than the police would amount to abuse of the process of law and hence the High Court ought to have exercised its inherent powers under Section 482 to the extent of the abuse. There is no requirement that the charge-sheet has to be quashed as a whole and not in part. Accordingly, this appeal is allowed. The supplementary report filed by the police, at the direction of the Commission, is quashed."

24. In view of the above facts, we find that the charges against the appellant under Section 3(1)(r) of the Act are not made out. Consequently, the charge-sheet to that extent is quashed. The appeal is disposed of in the above terms."

(Emphasis supplied)

9.2. The Apex Court in its latest judgment rendered in the case of **GUNJAN ALIAS GIRIJA KUMARI v. STATE (NCT OF DELHI)**³, while considering the entire spectrum of the law on the issue, has held as follows: "....

5.1 Sections 3(1)(r) and 3(1)(s) of the SC/ST Act read as under,

"3. Punishments for offences atrocities.—

3(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) to (q)

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;"

5.1.1 The offence under Section 3(1)(r) of the SC/ST Act can be said to have been committed when a person not belonging to Scheduled Caste or Scheduled Tribe intentionally insults or intimidates with an intent to humiliate a person belonging to Scheduled Caste or Scheduled Tribe in any place within public view. Offence under Section 3(1)(s) of the SC/ST Act is made out when any member of the Scheduled Caste or Scheduled Tribe is abused by caste name in any place within public view.

5.2 The ingredients of the offences are that there has to be an intentional insult or intimidation which has to be with an intent to humiliate a member of Scheduled Caste or Scheduled Tribe or that such member of Scheduled Caste or Scheduled Tribe is abused by caste name by a person who does not belong to Scheduled Caste or Scheduled Tribe. The common essential for constituting the offence under both the Sections is that the insult or intimidation under sub-clause (r) or hurling of abuses under sub-clause (s) have taken place "in any place within public view".

5.3 All the appellants are framed for the offence under Section 506 read with Section 34, IPC. Section 506, IPC is about punishment for the offence of criminal intimidation whereas the offence of criminal intimidation is defined in Section 503, IPC. It says that whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, and when the same is done with an intent to cause alarm to that person, commits criminal intimidation. Section 34, IPC speaks about the acts done by several persons in furtherance of common intention.

5.4 Before examining the sustainability of the charge framed and the charge-sheet for its details and contents in respect of the aforesaid offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, it would be useful to survey few decisions of this Court which have explained the scope and purport of the phrase "in any place within public view" pinpointing that the said requirement is indispensable to be fulfilled in order that the offence under the SC/ST Act is constituted.

5.5 In *Swaran Singh v. State through Standing Counsel*, the place where the informant was insulted by the appellant by calling him 'chamar' was one where he had been standing near the car which was parked at the gate of the premises of his employer. This Court held that such place was "a place within public view". The argument that the alleged act was not committed in a public place and hence did not come within the purview of the offence under the SC/ST Act

was negated by explaining a fine distinction between the expression 'in any place within public view' as used in the provision and the expression 'public place'.

5.5.1 It was stated that the expression 'a place within public view' could not be confused with the expression 'public place'. It was highlighted that a place can be a private place yet can be within public view,

"....It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view...."

(Para 28)

5.6 *Swaran Singh* (supra) came to be relied on by this Court in *Hitesh Verma v. State of Uttarakhand*⁸ in respect of the concept of 'place within public view' as an ingredient of the offence. The very observations in *Swaran Singh* (supra) were reiterated in paragraph 14 in *Hitesh Verma* (supra) when the Court noticed the allegations in the FIR about abusing the informant. It was stated in the FIR that the incident of abuse happened within the four walls of the building of the informant, and it was not the case of the informant that any member of the public was present at the time of the incident in the house. The Court, therefore, ruled that the basic requirement that the abusive words were uttered in 'a place within public view' was not made out. It was further noticed that witnesses whose names were appended to the chargesheet were not the persons present within the four walls of the building.

5.7 In a more recent decision in *Karuppudayar v. State represented by the Deputy Superintendent of Police, Lalgudi Trichy*, this Court considered its own decisions in *Swaran Singh* (supra) as well as *Hitesh Verma* (supra), and elucidated an ironed-out proposition of law as under,

"It could thus be seen that, to be a place 'within public view', the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view."

(Para 11)

5.7.1 The Court observed that even by taking the allegations in the FIR at their face value, what was alleged was that when the complainant was in the office, the accused came there, made inquiries from the complainant and upon not being satisfied, started abusing the complainant in the name of his caste and insulted him. Thereafter, three colleagues of the complainant came later to pacify the accused and took him away. The Court thus noticed that the incident had taken place within the four corners of the chambers of the complainant, which was not "a place within public view".

5.8 A decision of the Karnataka High Court in *Sri Rithesh Pais v. State of Karnataka, by Puttur Town P.S.* may also be noticed to be relevant, in which the offence was held to be not made out as the chargesheet material showed that

the hurling of the abuses had happened in the basement and within the walls of the basement, holding that the basement of the building was not "a place within public view".

5.9 A conclusive statement of law that emanates from the *ratio* of the decisions of this Court discussed above is that in order to make out the offence under Section 3(1)(r) and/or Section 3(1)(s) of the SC/ST Act, the occurrence of the incident and the act and conduct of hurling of caste-based abuses must take place at "a place within public view". It must be a place within the public gaze. Even happens to be a private place, then in such eventuality a public-eye must have an access to be able to notice what happens there or what is taking place that will only make the "place within public view".

6. Having appreciated the aspect that the requirement that the occurrence of the incident of insult or abuse, towards the member of the Scheduled Caste or Scheduled Tribe has to be in "a place within public view", making the same a necessary condition for constituting the offence under the SC/ST Act, the facts in the present case may be attentively noticed.

6.1 In the FIR, while referring to the incident of abuse, on 28.01.2021, the statements were made by respondent No. 2-complainant that the appellants were in the habit of harassing and hurling caste-based slurs at him for over a year and that they used to do it when some other persons or friends come to meet him, by using the abusive words from their balcony or at the ground floor of the house.

6.2 These allegations about the alleged continuous conduct did not speak of any specific instance or happening on a particular day and they are too irrelevant to contribute to make out an offence under Section 3(1)(r) or Section 3(1)(s) of the SC/ST Act. It was next stated that because of such behaviour of the appellants, respondent No. 1-complainant had to send his son in a separate house. Such general accusations lead nowhere when it comes to allegation about the commission of offence.

6.3 As per the averments in the FIR, on the relevant date that is on 28.01.2021, the altercation occurred at the time when the appellants were trying to break open the house of respondent No. 2-complainant. According to respondent No. 2-complainant, appellant No. 1 hurled casteist slur in an abusive way to insult him and his wife. All the appellants-accused, it was further alleged, intimidated respondent No. 2-complainant and also threatened to implicate him in molestation charge.

6.4 It was noticeable that in the complaint/FIR, nowhere it was stated that the said incident wherein appellant No. 1 and other appellants are stated to have abused and threatened respondent No. 1-complainant, took place where there was a public gaze. The necessary ingredient of occurrence of the incident "in a place within public view" was conspicuously absent.

6.5 Not only that it was not stated that it was "a place within public view" or that the outsiders or the members of the family were present at the time, the details mentioned in the FIR clearly indicated that the place of occurrence of the incident was inside the residential house. Referring to the facts stated and the contents of FIR in this regard, firstly the FIR is silent about the place of occurrence of the alleged incident. Secondly, point No. 5(b) in the FIR mentioned the place of occurrence at the address stated as "7/38, Ramesh Nagar, New Delhi", which was admittedly a residential home. Similarly was

recorded the address of respondent No. 2-complainant in point No. 6(e) in the FIR to reinforce that it was the place of residential house where the occurrence took place. Thirdly, in the charge-sheet filed before the court, the very residential address "7/38, Ramesh Nagar, Kirti Nagar, Delhi" was mentioned to suggest the place of occurrence.

6.6 Respondent No. 2-complainant named two witnesses, one Love Manchanda and another named Chandra Prakash. Not only that both were the friends of respondent No. 2-complainant, from their statements, nothing could be elicited to show that they witnessed the incident. Love Manchanda stated that "on 28.12.2020, Bhim Sain (complainant) asked me to accompany him to his house where he wanted to take a picture of the locked lock of his house". In his statement, Chandra Prakash stated that "he went to the house at Ramesh Nagar with the complainant Bhim Sain and when he wanted to open the lock of his house, the accused interjected".

6.7 All material facts go to suggest that the alleged incident took place in a private place and within four walls of the house of respondent No. 2-complainant and the appellants, who all are family members. While the allegation in the FIR was, as stated, that respondent No. 2-complainant had been suffering similar kind of incidents since long and for last one year, it was not stated anything specific in respect of those earlier incidents with regard to the incident for which the complaint was filed, it was not indicated that any independent member of public was present to witness the occurrence. Once that is so, to suggest that the house place was not exposed to public eye or public gaze, a residential house in no way becomes "a place within public view".

7. For any criminal proceedings to initiate, the starting point is filing of a complaint and registration of FIR. The complaint/FIR provides the first account of the happening of events and incidents alleged as commission of offence. A reaction and revelation at the first blush is always natural and therefore becomes creditworthy. The contents of the complaint giving the initial and primary description could be treated as more reliable, for, at the subsequent stage, there would be a scope and room for improvisation.

8. In State of Haryana v. Bhajan Lal¹¹, this Court laid down the acid test that if the contents of the FIR, taken at their face value, do not make out any case against the accused, such an FIR registered with ulterior motive deserves to be quashed. In Hitesh Verma (supra), in addition to the ingredient of "a place within public view", the details in the FIR or the charge-sheet failed to disclose the precise contents of abusive language employed by the applicant to attract the offence under the SC/ST Act. In other words, when the essentials to constitute the offence did not come out from and were not satisfied in the contents of the FIR, the offence was held to have not been made out, rendering the FIR liable to be quashed.

8.1 In Amar Nath Jha v. Nand Kishore Singh¹², this Court noted that the defect in the FIR was in the nature of non-mentioning of the name of material witness PW-1 which was treated as a basic defect in the hypothesis portrayed by the prosecution. The Court, in that context, observed, "although we accept that the FIR need not be an encyclopaedia of the crime, but absence of certain essential facts which are conspicuously missing in the present FIR, point towards suspicion that the crime itself may have been staged".

8.2 Also in Ramesh Chandra Vaishya v. State of Uttar Pradesh¹³, this Court found absence of requisite ingredients of the offence under the SC/ST Act holding that the offence was not committed at "a place within public view". It

was observed that even though the appellant in that case might have abused the complainant, but such abuse by itself and without anything more does not warrant subjecting the appellant to face a trial, particularly in view of the clear absence of the ingredients necessary to constitute the offence.

9. Thus, it is trite principle that the FIR becomes liable in law to be quashed when it, in its bare reading, does not disclose the necessary ingredients to constitute the offence alleged therein. The basic constituents of the offence alleged in the FIR must stem and stand disclosed from the contents of the FIR. In order that the FIR alleging any action is sustainable in law to be a good and acceptable document to proceed criminally against any accused named therein or any person to be made accused on its basis, it must manifest and reveal basic ingredient of the offence(s) alleged therein. For an offence to be made out under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, as is the question in the instant case, the requirement that the occurrence has to be "in a place within public view" is not satisfied, is missing and absent.

9.1 It could be said that the occurrence of the incident to become an offence under the SC/ST Act must have happened "in a place within public view", is in a way, a principal requirement amongst the other ingredients. The other aspects namely "intentional insult or intimidation" and "an intent to humiliate", gathers a kind of intensity when the insult, intimidation, humiliation or abusive utterances, as the case may be, takes place in "a place within public view", in the presence of members of the public. The requirement that the place must be one "within public view" can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a sine qua non for making out the offence under the SC/ST Act." (Emphasis supplied)

On a coalesce of the afore-quoted judgments of the Apex Court and the facts obtaining in the case at hand, the unmistakable inference would be, the present case is a classic illustration of misuse of the provisions of the Act without there being even a semblance of any ingredient of the offences so alleged.

10. If the complainant was allegedly hurled abuses in the first week of June, 2025 nothing stopped him from registering a complaint immediately. The complaint in the impugned crime is registered in the month of December, 2025. It is in these circumstances that the Apex Court holds that the Court exercising its jurisdiction under Section 482 of the Cr.P.C., must go behind the smoke screen of the complaint and look into the attending circumstances leading to its registration. The Apex Court in **SALIB v. STATE OF UTTAR PRADESH**⁴, has held as follows:

"....."

26. At this stage, we would like to observe something important. **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. We say 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 482CrPC 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. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

(Emphasis supplied)

In the light of the afore-quoted facts and the law as laid down by the Apex Court as noted hereinabove, permitting further proceedings would become an abuse of the process of law and result in miscarriage of justice. It becomes apposite to quote the judgment of the Apex Court in the case of **STATE OF HARYANA v. BHAJAN LAL⁵**, wherein it is held as follows: "....

102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an

order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

(Emphasis supplied)

Therefore, I deem it appropriate to exercise my jurisdiction under Section 528 of the BNSS / Section 482 of the earlier regime - the Cr.P.C, and obliterate the crime against the petitioner.

11. For the aforesaid reasons, the following:

ORDER

(i) Criminal Petition is **allowed**.

(ii) FIR in Crime No.557 of 2025 registered at Hennur Police Station against the petitioner, stands quashed.

FOOTNOTES

1. **2023 SCC OnLine SC 603**
2. **(2020) 10 SCC 710**
3. **2026 SCC OnLine SC 834**
4. **(2023) 20 SCC 194**
5. **1992 Supp (1) SCC 335**