
(2002) 08 AHC CK 0220
In the Allahabad High Court
Case No : Criminal M.W.P. No. 4850 of 2002

Gyan Singh and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 26-08-2002

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 312, 323, 504, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)

Citation : (2002) 3 ACR 2856

Hon'ble Judges : M. Katju, J;K.N. Sinha, J

Bench : Division Bench

Advocate : S.K. Kulshrestha, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and K.N. Sinha, JJ.—Heard learned Counsel for the Petitioner and learned Government counsel.

2. This writ petition has been filed against the impugned F.I.R. filed under Sections 147, 323, 504, 506 and 312, Indian Penal Code and u/s 3(1) (x) SC/ST Act, police station Sachendi, district Kanpur Nagar.

3. We have carefully perused the impugned F.I.R. The Petitioners are Rajput by caste and it appears from the F.I.R. that when certain people belonging to the chamar caste demanded their wages, the Petitioners beat them up with lathis and one tooth of Desh Ram was broken and blood came out from his mouth. One of the Petitioners kicked Smt. Nanki, wife of Ram Kumar, who was pregnant, with the result that the child in her womb died. The Petitioners also used filthy language calling the complainants chamars. The Petitioners allegedly have criminal antecedents and it is alleged that no-body dares to give evidence against them. They have threatened that if any person gives evidence against them, his life will be in danger. They also threatened to kill the complainant.

4. From a perusal of the F.I.R., clearly an offence is made out. The Petitioners have behaved like hooligans and bullies. They even kicked a pregnant woman.

5. This Court has already expressed its opinion in several decisions that it will not tolerate casteist violence in society any further, as it is one of the greatest obstacles to the country's progress. The Petitioners, who are Rajput by caste, probably think that since they belonged to the so-called upper caste, they can bully and insult the so-called lower castes. However, this Court will not tolerate this. This is the age of democracy and such behaviour of the so-called upper caste people is totally unacceptable today.

6. It may be mentioned that the word "chamar" is no doubt the name of a caste (belonging to the Scheduled Castes), but the word is also used often as a word of insult and to demean some one. Hence, the so-called upper castes should not use this word chamar as it hurts the feelings of the members of that community. In a democracy, every one is equal, and no one's feelings should be hurt. The caste system is a curse on our society, and is totally incompatible with modern society. The Petitioner is dismissed, but the observations made above will not prejudice the trial court.

7. The writ petition is dismissed.