



2026:AHC:20684

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/s 482 No. - 37780 of 2019

Raj Bihari Singh @ Raj Bihari and 3 others

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite Party(s)

Counsel for Applicant(s)	: Damini Hajela, Govind Saran Hajela
Counsel for Opposite Party(s)	: Anjani Kumar Raghuvanshi, G.A., Sher Singh

AFR

Reserved on 8.12.2025

Delivered on 28.1.2026

Court No. - 34

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard Sri Govind Saran Hajela, learned counsel for the applicants, Sri Sher Singh, learned counsel for the Opposite party no. 2 and learned A.G.A. for the State.

2. The present application under Section 482 of Code of Criminal Procedure, 1973 is preferred by applicants for quashing charge-sheet as well as order dated 6.8.2019 taking cognizance under Sections 306, 504, 506 of Indian Penal Code and under Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending before Special Judge, (SC/ST) Act, Police Station Rohania, District Varanasi in Special Session Trial No. 228 of 2019 (Sarkar Vs. Raj Bihari Singh and others). The above-mentioned criminal case arises

out of First Information Report dated 13.3.2019 in Case Crime No. 148 of 2019 at Police Station Rohania, District Varanasi.

3. At the initial filing of present application before this Court applicants have also made a prayer for quashing of offence under Section 3(1)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, subsequently the above-mentioned order dated 6.8.2019 was corrected by order dated 21.10.2019 (copy of the aforesaid order is filed along with the counter affidavit of the informant before this Court). In view of the above-mentioned correction order dated 21.10.2019, the prayer for quashing the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is hereby substituted the prayer for offence under Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in place of Section 3(1)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The applicants have also filed supplementary affidavit dated 16.10.2019 stating that due to clerical mistake name of applicant no. 1 namely Raj Bihari Singh @ Raj Bihari has been wrongly typed in place of Raj Bihari Singh.

5. Initially, First Information Report dated 13.3.2019 was lodged by Ratan Lal Gond against applicants and two other persons, namely, Manik Chand and Vinod Bharti Lekhpal under Sections 306, 504 and 506 of Indian Penal Code and under Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. As per allegations in above-mentioned First Information Report, it is alleged by informant that informant is resident of Village Bandepur, Police Station Rohaniya, District Varanasi. The informant is having land dispute with Manik Chand who is resident of same village. Some persons are trying to get the caste of informant being Scheduled Tribe cancelled in which the Area Lekhpal – Vinod Bharti in conspiracy with Village Pradhan – Raj Bihari (Applicant no. 1), Mohd Naeem (Applicant no. 3), Shiv

Adhar Singh (Applicant no. 2), Lal Mohammad (Applicant no. 4) in order to get the Scheduled Tribes status of informant being declared as forged has got submitted report that informant belongs to Badbhujja caste. As a result of same, father of informant was shocked and accused persons use to abuse father of informant while on road. On account of informant being declared as Badbhujja caste, father of informant was shocked and as a result of the same on 12.3.2019 in the night committed suicide by hanging at the house of informant.

6. In pursuance to the above-mentioned First Information Report, the Investigating Officer recorded statement of informant who has supported the First Information Report allegations and has further stated that the caste certificate of informant was prepared in the year 2012 and the second application for preparation of the caste certificate of the informant was given in December 2018 and the applicants have given application against the caste certificate of informant. The witness has further stated that the deceased had informed him that the applicants used to threaten father of informant to relieve the disputed land.

7. The Investigating Officer has also recorded statement of Santraj Gond who has also supported the allegations made in the First Information Report. During investigation, Investigating Officer also recovered suicide note of deceased where the deceased had given detailed account of the land dispute as well as also stated that applicants are creating hindrance in the livelihood of informant and his family members and as such the deceased had committed suicide.

8. The post-mortem of deceased was held on 13.3.2019 at 2:08 p.m. and the doctor conducting the post-mortem opined that the deceased died due to Asphyxia as a result of hanging.

9. On 22.12.2018 Lekhpal had submitted a report before the Authorities concerned with regard to the caste of informant as Bhadbhujja. In the aforesaid enquiry report, applicants have given statement about the caste of informant and his family members. In

pursuance to aforesaid investigation, the Investigating Officer has submitted charge-sheet against applicants and one Vinod Kumar Lekhpal under Sections 306, 504 and 506 of the Indian Penal Code and under Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The court concerned thereafter has taken cognizance and issued summons by order dated 6.8.2019 as corrected by order dated 21.10.2019 in the above-mentioned sections.

10. Learned counsel for the applicants submits that allegation against the applicants is to the effect that applicants had made a complaint with regard to caste certificate of Opposite party no. 2, as a result of the same, the father of Opposite party no.2 has committed suicide. Mere filing of a complaint challenging the caste certificate by itself not occasion to abetment to suicide. There is no immediate cause for committing suicide at the behest of applicants. The applicants have been falsely implicated in the present case.

11. Learned counsel for the applicants further submits that caste certificate, which was issued in the year 2012, was re-examined by the competent authority in the year 2018. However, there was no order for cancellation of the caste certificate. Even on the fact of the record, the offence is not made out against the applicants.

12. Sri Sher Singh, learned counsel for Opposite party no.2 submits that applicants were harassing Opposite party no.2, who belongs to Scheduled Tribes category and the complainant was appointed in a government job on the strength of the caste certificate, which was subsequently, challenged by the applicants, as a result of the same, the father of Opposite party no.2 committed suicide and a suicide note was left by his father. A perusal of the suicide note of the father of Opposite party no.2 would give an indication that father of Opposite party no.2 has committed suicide on account of the conduct of applicants. The question of validity of suicide note cannot be examined in an application filed under Section 482 Cr.P.C.

13. The applicants have been summoned under Section 306 of the Indian Penal Code. Section 306 of Indian Penal Code provides punishment for abetment of suicide. Suicide taking place, which is not an offence as the person is beyond the reach of the law. However attempt to commit suicide is made punishable under Section 309 of Indian Penal Code. Similarly, Abetment of suicide is also made punishable under Section 306 of Indian Penal Code. Abetment of suicide is confined to persons who aid and abet the commission of suicide by another person.

14. Section 107 of Indian Penal Code provides with respect to Abetment of a thing. Section 107 of Indian Penal Code is quoted hereinunder :-

“107. Abetment of a thing.—A person abets the doing of a thing, who—

First.— Instigates any person to do that thing; or

Secondly.— Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.— Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.— A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.— Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.”

15. The law of abetment evolves around the principle that it is not only the person who has committed the crime is answerable to law but any person who instigates, conspires, or intentionally aid another to commit an offence is also answerable under law. Instigation envisages where a person actively provokes, urges, encourage or incite another to commit an offence through words, conduct, or willful misrepresentation.

The same requires a criminal intent to stimulate the criminal act. There must be a direct nexus between the instigation and the offence committed. Mere passive activity of the accused/instigate without reference to the offence committed by another person may not come within the purview of abetment. Whether the abetment is caused is to be derived from the facts and circumstances of each case.

16. In the present case allegation as per the prosecution against the accused persons is to the effect that applicants have given statement with regard to caste of informant and his family members. The aforesaid statement has been given in an enquiry being conducted by the Authorities concerned on an application for issuing caste certificate to informant. Prosecution case rests on the fact that applicants have given statement that the informant does not belong to a particular caste which was claimed by applicants in their application before the Authorities concerned. It is not in dispute between the parties that in the present case no conspiracy was made between the accused person for commission of suicide of the deceased. It is also not the prosecution case that applicants have intentionally aids the commission of suicide.

17. The prosecution case hinges upon the fact that applicants have given statement in the enquiry before the authorities concerned that the informant does not belong to a particular caste which is claimed by the informant and on the aforesaid basis father of informant has committed suicide and leaving suicide note that the applicants are not permitting the informant and his family members to live and as such the father of informant has committed suicide.

18. It is to be seen that the statement alleged to be given by the applicants was on the basis of an enquiry being conducted by the authorities concerned on an application given by informant for issuance of caste certificate. It is further alleged that applicants have opposed the application of informant for issuance of caste certificate as a Scheduled Tribes. The statement was recorded by co-accused (Lekhpal) and was submitted before the District Administration who is the authority to issue

the caste certificate. It is not case of the prosecution that there was any direct instigation by accused person/applicants with regard to commission of suicide by deceased. It is further to be noted that caste certificate is required to be issued by District Authorities after an enquiry and the final decision rests with authority concerned. The applicants has given statement with regard to the caste of informant and his family members in the enquiry proceedings. The aforesaid alleged act of applicants would not come under instigation as per Section 107 of Indian Penal Code. There is no direct nexus between the statement of applicants (before the Authorities concerned) and commission of suicide by father of informant. Mere participating in enquiry in respect of issuance of caste certificate of informant cannot be designated as instigation for commission of suicide by father of informant. Even the suicide note recovered by police in respect of deceased do not state any details or material particulars of any instigation by applicants to deceased. In view of facts and circumstances stated hereinabove, no offence under Section 306 of Indian Penal Code is made out against applicants.

19. The applicants further have been summoned under Sections 504 and 506 of the Indian Penal Code. The offence under Section 504 of Indian Penal Code prescribes that whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. The offence under Section 504 of Indian Penal Code envisages that there should be intentional insult and thereby giving provocation to any person intending or knowing that such provocation will cause him to break public peace or to commit any offence. In the present case, there are no material circumstances and particulars to show that there was any intentional insult which would give provocation to complainant to cause any break of public peace or to commit any offence as such the material ingredient of offence under Section 504 of Indian Penal Code is not made out from the prosecution case.

20. Further, Section 506 of Indian Penal Code provides punishment for offence of criminal intimidation. The offence of criminal intimidation has been described under Section 503 of Indian Penal Code and the same is quoted herein below :-

“503. Criminal intimidation. – Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation. – A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.”

21. An act of criminal intimidation would arise when a person threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation. No material circumstances and particulars provided in the First Information Report or in the statement of the informant under Section 161 of Code of Criminal Procedure, 1973 to indicate any threatening being offered by applicants to informant. In view of the facts and circumstances and reasons stated hereinabove, no offence under Sections 504 and 506 of the Indian Penal Code is made out against the applicants.

22. The applicants have also been summoned under Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The aforesaid provision is quoted hereinbelow :-

“3. Punishments for offences of atrocities. __ (1)...

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

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine.”

23. The above-mentioned provision declares commission of any offence under Indian Penal Code against a member of Scheduled Caste or Schedule Tribe category to be an offence under the provisions of SC/ST Act. It is further to be seen that no offence under the Indian Penal Code is found against the applicants in view of the facts, circumstances and reasoning stated hereinabove. The allegations of prosecution that applicants have given statement in the enquiry as to whether the informant is a member of Scheduled Tribe and thereby stating that informant belongs to another caste other than that claimed by the informant in the application before the authorities concerned by itself cannot constitute an offence under law. It is the duty of every citizen to assist the authorities in discharge of their statutory duties and therefore the applicants cannot be said to have committed any wrong which is punishable under law.

24. In view of facts, circumstances and reasoning stated hereinabove no offence under Sections 306, 504, 506 of Indian Penal Code and under Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out against the applicants. The above-mentioned criminal proceedings as well as summoning order dated 6.8.2019 as corrected by order dated 21.10.2019 passed by Special Judge (SC/ST) Act, Varanasi in Special Session Trial No. 228 of 2019 (Sarkar Vs. Raj Bihari Singh and others) (arising out of Case Crime No. 148 of 2019) pending before Special Judge (SC/ST) Act, Varanasi are hereby quashed in respect of applicants, namely, Raj Bihari Singh @ Raj Bihari, Shiv Adhar Singh, Mohd. Naeem and Lal Mohammad.

25. As a result thereof, the present application filed under Section 482 of Code of Criminal Procedure, 1973 is **allowed**.

(Vikram D. Chauhan,J.)

January 28, 2026
VMA