



2026:AHC:124326

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1330 of 2026

Umar Faruk @ Chunnu And 2 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Sanjay Kumar Mishra
Counsel for Respondent(s)	:	Chandra Prakash Misra, G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Sanjay Kumar Mishra, learned counsel for the appellants, Sri Chandra Prakash Misra, learned counsel for Opposite Party No. 2, and learned A.G.A. for the State, and perused the entire record.
2. The present Criminal Appeal under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred seeking quashing of the summoning order dated 15.05.2024 passed by the learned Special Judge, S.C./S.T. (Prevention of Atrocities Act, 1989), Kushinagar at Padrauna, whereby the appellants have been summoned for the offences under Sections 323, 504, 506, 452 IPC and Sections 3(1)(da) and 3(1)(dha) of the SC/ST Act in Special Sessions Trial No. 471 of 2024 (State vs. Umar Farooq & Ors.), arising out of Case Crime No. 597 of 2023 under Sections 323, 504, 506, 452 IPC and Sections 3(1)(da) and 3(1)(dha) of the SC/ST Act, Police Station Kotwali Padrauna, District Kushinagar.
3. As per the prosecution story, on 01.06.2023 at about 10:00 a.m., while the complainant was sitting at the entrance of his house, the accused persons, namely Umar Farooq, Lari Deewan, Altaf Deewan, and Shaukat, allegedly arrived in a Scorpio vehicle bearing registration No. UP57 AJ 9222 and started hurling filthy abusive language. When the complainant objected, Lari Deewan allegedly caught hold of his arm, whereupon the remaining accused persons assaulted him. It is further alleged that the complainant somehow managed to escape into his house, but the accused persons, acting in concert and upon the exhortation of Lari Deewan, forcibly entered the house and again

assaulted him, causing injuries. On hearing the commotion, local villagers reached the spot and intervened and saved the complainant from the clutches of the appellants; otherwise, the said persons would have killed him.

4. Learned counsel for the appellants mainly submits that no offence under Section 3(1)(da) and 3(1)(dha) of the SC/ST Act is made out, as there is no whisper of caste-related words used by the appellants in the FIR as well as in the statement recorded under Section 161 Cr.P.C. It is further submitted that there is a civil dispute between the parties regarding 'patta', against which the appellants have filed a suit for cancellation, and that the opposite party no. 2 has lodged the present FIR to exert pressure upon them.
5. On the other hand, learned counsel for opposite party no. 2 as well as learned A.G.A. have opposed the submissions made on behalf of the appellants and submitted that, at this stage, a deeper scrutiny of evidence is not required and only a prima facie case is to be seen.
6. I have considered the submissions advanced by learned counsel for the parties and have carefully perused the entire record, including the FIR, charge-sheet, injury report, and the statements of the informant and other witnesses recorded during investigation.
7. From a perusal of the FIR, it reflects that on 01.06.2023 at about 10:00 a.m., while the complainant was sitting at the entrance of his house, the appellants arrived in a Scorpio and started hurling filthy abusive language. When the complainant objected, appellant no. 2 allegedly caught hold of his arm, whereupon the remaining accused persons assaulted him. It is further alleged that the complainant somehow managed to escape into his house, however, the accused persons forcibly entered the house and again assaulted him, causing multiple injuries. On hearing the commotion, local villagers reached the spot and intervened, then the complainant saved from the clutches of the appellant. However, there is not even a whisper of any caste-related words in the FIR and although the informant, in his subsequent statement, has alleged that *jati soochak* words were used, the specific words allegedly uttered by the appellants have not been disclosed.
8. It is well settled that for attracting the provisions of Sections 3(1)(da)

and 3(1)(dha) of the SC/ST Act, the prosecution must prima facie establish that the accused intentionally insulted or intimidated the victim with intent to humiliate him on the ground that such person belongs to a Scheduled Caste or Scheduled Tribe, and that such act was committed in a place within public view.

9. In the present case, there is not even a whisper in the FIR or in the statements recorded during investigation to show that the appellants acted with the requisite mens rea to humiliate the informant on the basis of his caste. Mere use of abusive language or involvement in a scuffle, without the foundational requirement of caste-based intent, does not attract the rigours of the SC/ST Act.
10. In **Daya Bhatnagar vs. State of Delhi, 2004 (109) DLT 915**, the expression “within public view” occurring in Section 3(1)(x) of the Act means within the view, which includes hearing, knowledge, or accessibility of a group of people of the place/locality/village, as distinct from a few who are private and are as good as strangers and not linked with the complainant through any close relationship or any business, commercial, or other vested interest, and who are not participating members with him in any way. If such group of people comprises any of these, it would not satisfy the requirement of “public view” within the meaning of the expression used.
11. The expression “any place within public view” has been interpreted by the **Hon’ble Supreme Court in Hitesh Verma vs. State of Uttarakhand, (2020) 10 SCC 710**, and reiterated in subsequent decisions including **Karuppudayar vs. State represented by the Deputy Superintendent of Police, Lalgudi, Trichy and Others, 2025 INSC 132**, wherein it has been held that:

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

12. Applying the aforesaid settled legal principles to the facts of the

present case, it is manifest that the essential ingredients of the offences under the SC/ST Act are wholly absent. The prosecution case, even if accepted in entirety, discloses at best a minor scuffle arising out of a land dispute, which has been given a criminal colour under the special statute.

13. So far as Sections 323, 504, 506, and 452 IPC are concerned, it appears from the injury report of the injured as well as the contents of the FIR that prima facie a case is made out against the appellants.
14. Continuation of the criminal proceedings against the appellants under the provisions of the SC/ST Act would, therefore, amount to an abuse of the process of law. The summoning order dated 15.05.2024, insofar as it relates to offences under Sections 3(1)(da) and 3(1)(dha) of the SC/ST Act, is liable to be quashed and is hereby quashed. The remaining proceedings related to offences under IPC shall continue against the appellants.
15. In view of the aforesaid, the criminal appeal is partly allowed.

June 1, 2026
Akbar

(Madan Pal Singh,J.)