

(2025) 12 SC CK 0050

Supreme Court

Case No: Criminal Appeal No. 5314 Of 2025 (Arising Out Of Special Leave Petition
(Criminal) No.14100 Of 2025)

Sohanvir @ Sohanvir Dhama &
Ors

APPELLANT

Vs

State Of U.P. & Anr

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Code of Criminal Procedure, 1973- Section 156(2), 200
- Indian Penal Code, 1860- Section 307, 308, 323, 504
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989-
Section 3(1)(s), 14A(1)

Hon'ble Judges: Vikram Nath, J; Sandeep Mehta, J

Bench: Division Bench

Advocate: Rishabh, Arvind Kumar, Gaurav Chaudhry, Aakarshak Danveer Rath, Poornima Singh, Dr. Vijendra Singh, Abhishek Saket, Divyakshi Singh

Final Decision: Partly Allowed

Judgement

Vikram Nath, J

1. Leave granted.

2. The present appeal has been preferred assailing the judgment dated 8th July, 2025 passed by the High Court of Judicature at Allahabad, whereby Criminal Appeal No. 729 of 2025 filed by the Appellants was dismissed. The said appeal was instituted under Section 14-A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 "SC/ST Act", seeking to set aside the order dated 12th September, 2024 passed by the Trial Court summoning the Appellants to face trial for offences punishable under Sections 323 and 504 of the Indian Penal Code "IPC" and Section 3(1)(s) of the SC/ST Act.

3. The facts necessary for adjudication of the present appeal may be summarized as follows:

3.1. Respondent No. 2 belongs to the Scheduled Castes/Scheduled Tribes community and was employed as a sweeper in the village. According to Respondent No. 2, Appellant No. 1 allegedly compelled her on multiple occasions to remove garbage from his house

and, upon her refusal, threatened to implicate her and her children in criminal proceedings.

3.2. It is the case of the Respondent No.2 that, on 23rd July, 2023, while she was sweeping in the morning, the Appellant No.1 along with his son, Appellant No.2, and servant, Appellant No.3, began hurling abuses at her, assaulting her and thereafter started forcing themselves upon her.

3.3. Respondent No.2 alleges that she ran back to her house, but the Appellants chased her, entered her house and directed caste-based abuses at her. It is further claimed that they tore her clothes, threatened her and thereafter left the premises. On the following day, it is further alleged that the Appellants assaulted her son. When the Respondent No.2 approached the Police Station to lodge a complaint, the police allegedly refused to do so under the influence of Appellant No.1.

3.4. Based on these events, on 6th October, 2023, the Respondent No.2 filed an application under Section 156(3) of the Code of Criminal Procedure, 1973 "CrPC" before the Special Judge which led to the registration of Complaint No.64/2023 on 2nd December, 2023 under Sections 323, 504 of IPC and Section 3(1)(s) of SC/ST Act against the Appellants. A separate complaint was also filed before the National Commission for Women on 26th July, 2023 against the Appellants regarding the same incidents.

3.5. The Appellants dispute all these allegations and contend that Respondent No.2 has withheld material facts and initiated the proceedings as a counter-blast. They contend that the allegations are false and the Respondent No.2's son was never medically examined and no injury report was placed on the record. The delay in filing of complaint by the Respondent No.2 also casts doubt on their motive.

3.6. The Appellants assert that, on 24th July, 2023, it was the complainant's son who assaulted Appellant No.3 with a sharp-edged weapon with the intention to kill, causing multiple injuries. It is further alleged that he also attempted to assault Appellant No.1. Consequently, FIR No.0179/2023 was registered on the same day under Sections 307 and 308 of IPC against the son of Respondent No.2.

4. Vide order dated 12th September, 2024, the Special Judge issued summons to the Appellants under Sections 323 and 504 of the IPC, and Section 3(1)(s) of the SC/ST Act. The Appellants preferred Criminal Appeal No.729/2025 under Section 14-A (1) of the SC/ST Act before the High Court, challenging the said summoning order, wherein the impugned order was passed.

5. The High Court, by the impugned order, dismissed the Criminal Appeal and upheld the order of the Trial Court. The High Court observed that on a prima facie evaluation of the material on record, the allegations disclosed cognizable offences and that there existed sufficient material to justify the summoning of the Appellants to face trial.

6. The High Court held that the complainant's son was beaten by the Appellants on a public road, in public view, thereby bringing the incident within the ambit of the offence contemplated under Section 3(1)(s) of the SC/ST Act. The High Court further observed that the complaint itself indicates that a portion of the alleged occurrence took place outside the complainant's house, which constitutes a public place within public view.

7. We have heard the learned counsel appearing for the respective parties and have carefully perused the material on record.

8. The learned counsel for the Appellants contends that the offence alleged under Section 3(1)(s) of the SC/ST Act is not made out, as one of the essential ingredients of the provision, namely, that the caste-related abuse must occur "within public view", is absent in the present case. It is submitted that the allegations themselves indicate that the alleged abuses were uttered within the Respondent No.2-complainant's residence, away from public view.

9. In order to examine this contention, it is necessary to refer to Section 3(1)(s) of the SC/ST Act, which reads as under: "3. *Punishments for offences of atrocities.* - (1) *Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, - (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;*"

10. The expression “*any place within public view*” has been interpreted by this Court in numerous decisions, most recently in *Karuppudayar v. State represented by the Deputy Superintendent of Police, Lalgudi, Trichy & Others* 2025 INSC 132. Relying on *Hitesh Verma v. State of Uttarakhand* (2020) 10 SCC 710, this Court reaffirmed that:

“11. 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.”

11. A perusal of the Application filed by the complainant under Section 156(3) of the CrPC reveals that the alleged casteist abuses were stated to have been used by the Appellants inside the premises of the complainant. This circumstance, on its face, does not satisfy the statutory requirement that the abuses were made “in any place within public view,” which is an essential component of the offence under Section 3(1)(s) of the SC/ST Act. The house of the complainant cannot be considered to be within public view.

12. Learned counsel appearing for the Respondent no. 2 has not been able to show that the complaint or the statement recorded under Section 200 CrPC contained any specific averment that the caste based abuses were hurled at a place within public view.

13. In our considered view, the High Court erred in concluding that the incident occurred in public view. A careful reading of the complaint makes it evident that the alleged caste-based abuses were uttered inside the premises, in the presence of the Appellants and Respondent No. 2. Therefore, the essential requirement of the offence under Section 3(1)(s) of the SC/ST Act is not satisfied.

14. Upon consideration of the submissions and scrutiny of the material placed on record, we find merit in the contention raised on behalf of the Appellants insofar as the applicability of the SC/ST Act is concerned. On the allegations as they stand, a prima facie case under Section 3(1)(s) of the SC/ST Act is not made out against the Appellants.

15. It is beyond dispute that the appellate powers are to be invoked with due caution, and only in exceptional circumstances. It is equally well established that the Court cannot delve into the truthfulness or credibility of the allegations contained in the FIR or complaint. The Appellate Court has to examine the contents of the complaint as they stand. In the facts of the present case, the High Court ought to have exercised its appellate powers to quash the summoning order with respect to offences under the provisions of the SC/ST Act.

16. In view of the foregoing discussion and having found that the essential ingredients of the offence under Section 3(1)(s) of the SC/ST Act are not prima facie satisfied, we deem it appropriate to interfere to that limited extent. Accordingly, the proceedings initiated against the Appellants under the Section 3(1)(s) of the SC/ST Act are hereby quashed. However, the trial insofar as it pertains to the remaining offences under the IPC shall proceed in accordance with law.

17. The impugned judgment of the High Court dated July 8th, 2025 in Criminal Appeal No.729 of 2025 is hereby set aside in part to the extent indicated above. Appeal stands partly allowed.

18. Pending applications, if any, stand disposed of.