

(2025) 12 SC CK 0003

Supreme Court

Case No: Criminal Appeal No. 5335 Of 2025 (@ Special Leave Petition (Criminal) No.5913 Of 2025)

Amal Kumar & Ors

APPELLANT

Vs

State Of Jharkhand & Anr

RESPONDENT

Date of Decision: Dec. 9, 2025

Acts Referred:

- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989- Section 2(3)(g), 3(1)(g), 3(1)(s)

Hon'ble Judges: Ahsanuddin Amanullah, J; K. Vinod Chandran, J

Bench: Division Bench

Advocate: Shoeb Alam, Rohit K. Singh, Pritam Bishwas, Yashveer Singh, Shivansh Pundir, Kartikey Bansal, P. S. Sudheer, Tulika Mukherjee, Beenu Sharma, Venkat Narayan, Abhishek Rai, Gyanant Singh, Pratap Shanker, Shilpi Shrivastava, Sarthak Shankar, Swetank Shantanu

Final Decision: Allowed

Judgement

K. Vinod Chandran, J

1. Leave granted.

2. The appellants arrayed as accused in FIR No.18 of 2022 in Police Station Kanke, Ranchi were before the High Court for quashing of the FIR registered. The High Court, by the impugned judgment refused to quash the FIR, finding that there is a direct and specific allegation against the appellants of having criminally conspired to interfere with the possession of the subject land owned by the informant, which they attempted by fabricating documents. The informant being a member of a scheduled caste was abused using the caste name and together these constitute offences punishable under Sections 3(1)(g) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 'the Act of 1989'. The appellants' contention that there was only a civil dispute between the parties, pending in a civil court, was found to be not sufficient to quash the criminal proceedings since it is trite that on the same set of facts there could be a civil dispute and criminal case lodged.

3. Mr. Shoeb Alam, learned Senior Counsel appearing for the appellants submitted that the first appellant had purchased a property from the vendee of the other appellants in the year 2020 and was in possession of the same. It was one Pankaj Singh who instigated the informant to lodge the FIR and file a civil case against the appellants, since the first

appellant failed to succumb to an attempt to extort an amount of Rs.10,00,000/- (Rupees Ten Lakhs) from him. In fact, the very same complainant had filed a case against another person also at the instigation of the said Pankaj Singh. It is contended that appellant No.1 had lodged a complaint of interference with his property and demolition of the structure therein by Annexure P8 of 20.01.2022 and the subject FIR lodged on 25.01.2025 was a counter blast. The allegation in the FIR was regarding an alleged incident on 21.01.2022, which occurred in the subject property. Not only was the FIR filed belatedly on 25.01.2022 but a suit filed on the same date, with respect to the very same property, did not indicate such an incident having occurred.

4. Mr. Abhishek Rai, learned counsel appearing for the informant/second respondent argued that the appellants are involved in a racket of grabbing properties belonging to SC/ST. Documents are fabricated and possession clearly taken over from the informant, which led to the filing of the criminal case. There is absolutely no reason to quash the proceedings at this stage since the appellants would have every right to disprove the case set up by the informant in a trial before the Jurisdictional Court.

5. Mr. P.S. Sudheer, learned Standing Counsel for the State, first respondent, supported the registration of the FIR and argued that the investigation has to be completed and submission of report by the police upon the appellants would have their remedy before the Trial Court.

6. As we see from the records one Smt. Pratibha Jha had purchased the subject land, from appellants 2, 3 and one Ashraf Ansari sons of Late Moujim Ansari, by Annexure P2. The first appellant purchased the said land from the vendee in Annexure P2 as per Annexure P4 sale deed on 07.02.2020. It is seen that title of the appellants 2 and 3 and one another person was confirmed by Annexure P1 order passed by the Deputy Collector, Land Reforms as early as on 17.01.2012 after which the sale of 2014 occurred. The first appellant had also raised a complaint as we see from Annexure P8, against one Pankaj Singh on 20.01.2022; for attempting extortion of money and for levelling threats against the life of the first appellant.

7. Be that as it may, on 25.01.2022 simultaneously a suit was filed by second respondent, produced as Annexure P9 and an FIR lodged, which is produced as Annexure P10. In the FIR it was claimed that the appellants 2 to 5 had created forged documents to sell the same to the first appellant who had been illegally occupying the subject land. It is also claimed that the appellants/accused came to the subject land on 21.01.2022 and forcefully started building a boundary wall; presumably the contention was that the land was in her possession. There is also a further allegation that appellants 4 and 6 hurled abuses on the informant specifically mentioning the caste name, which is a casteist slur.

8. As has been argued by learned Senior Counsel appearing for the appellants, the plaint, Annexure P9, registered on the same date does not indicate an incident having occurred as is described in the First Information Statement (FIS). In the plaint the cause of action is traced to the month of September 2020 and several other days when the rights of the plaintiff over the scheduled land was attempted to be interfered with, the last of which occurrence is said to be in December 2021. The incident as on 21.01.2022 is not at all mentioned.

9. We have also seen that the vendor of the first appellant is not the other appellants and is a third party who has not been impleaded either in the suit or arrayed as an accused in the criminal case lodged. Further, when there is no allegation of dispossession of land as such in the FIS, in the suit filed on the very same day, one of the reliefs sought is for recovery of possession. The sale deed of the first appellant is in the year 2020 and the other appellants obtained the property in the year 2014. There is no relief claimed in the suit to set aside the above sale deeds.

10. We are inclined to find that in the totality of the circumstances as noticed above, the FIR based on the FIS is a clear abuse of process of law. From the records of the suit as has been filed by the first informant, the allegations in the FIS does not come out. As of now the land is covered by a sale deed in favour of the first appellant. There can be no question of an offence being charged under Section 2 (3)(g) of the Act of 1989, of wrongful dispossession of a member of a Scheduled Caste/Schedule Tribe from their land. Likewise, there is no offence as coming out under Section 3(1)(s) of the Act of 1989 since there is no allegation that the casteist slur was made in a place within public view or that there was any member of the public present at the spot. In any event, the allegations

in the FIS itself are found to be unbelievable going by the clear averments made in the suit filed on the very same day. The High Court, in the circumstances, ought to have quashed the FIR. Having not done so we set aside the order of the High Court and quash FIR No.18 of 2020 registered in Police Station Kanke, Ranchi and direct that no further proceedings shall be taken by the police against the arrayed accused in pursuance of the said FIR. The appeal stands allowed.

11. Pending applications, if any, shall stand disposed of.