

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE**

**HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

**MISC. CRIMINAL CASE No. 6416 of 2022**

**BETWEEN:-**

1. **DINESH S/O AMRATLAL CHAURASIYA, AGED ABOUT 35 YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE PATADIA DHAKAD, TEHSIL PACHORE, DIST. RAJGARH (MADHYA PRADESH)**

2. **AMRATLAL S/O SOHANSINGH CHAURASIA, AGED 65 YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE PATADIA DHAKAD, TEHSIL PACHORE (MADHYA PRADESH)**

3. **JAMUNA PRASAD S/O SOHANSINGH CHAURASIA, AGED 55 YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE PATADIA DHAKAD, TEHSIL PACHORE (MADHYA PRADESH)**

**.....APPLICANTS**

**(BY SHRI MANISH KUMAR VIJAYWARGIYA - ADVOCATE)**

**AND**

1. **THE STATE OF MADHYA PRADESH THRU. P.S. PACHORE, DIST. RAJGARH (MADHYA PRADESH)**

2. **SOHAN SINGH S/O RATIRAM BALAI VILLAGE PATADIA DHAKAD, TEHSIL PACHORE (MADHYA PRADESH)**

**.....RESPONDENTS**

**(MS. AARTI KUMAWAT - PL AND SHRI DEEPAK SAKLE - ADVOCATE FOR THE RESPONDENT NO.2)**

***Reserved on : 25.07.2023***

***Pronounced on : 25.08.2023***

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*This petition having been heard and reserved for orders, coming on for pronouncement this day, **the Court** pronounced the following:*

**ORDER**

This petition u/S 482 of Cr.P.C. is filed by the applicants for quashing of FIR bearing Crime No.383/2020 registered at P/S Pachore, Rajgarh for offence punishable u/S 294, 323, 506 r/w 34 of IPC and S.3(1) (r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter as SC/ST Act) against the applicants.

2. Prosecution story, in brief, is that, on 27.09.2021, at around 03:00 – 04:00 PM, the complainant Sohan Singh, who is member of SC community alongwith his wife Smt. Kalabai was cutting soyabean crops. At that time, the applicant No.1 Dinesh alongwith applicant No.2/his father came by tractor for loading of Udad crops. Complainant and his wife refused them to load the crop, then applicants No.1 and 2 Dinesh and Amratlal abused them in filthy language and gave casteist abuses. The applicant No.1 Dinesh gave blow with *lathi* to complainant on his head. Smt. Kalabai and her brother-in-law Hazarilal tried to save the complainant. Then applicant No.1 gave blow with *lathi* to Hazarilal on his right hand. Applicants No.1 and 2 Dinesh and Amratlal also slapped Smt. Kalabai. The accused persons had threatened the complainant that if they stopped them from next time, they will kill them. On the same day, an FIR was lodged against the applicants at P/S Pachore, Rajgarh. After completion of investigation, charge-sheet (Annexure A-1) has been filed.

3. Learned counsel for the applicants submits that the applicants are innocent and have not committed any offence. They have falsely been implicated in the case. At the time of the incident, the complainant party

had assaulted applicants No.1 and 2 Dinesh and Amratlal on the same day. Dinesh has lodged FIR bearing Crime No.382/2020 at P/S Pachore, District Rajgarh against the complainant party u/S 294, 323, 506 r/w 34 of IPC. Further, it has been submitted that complainant party were trying to dispossess applicant No.1 and his family from land bearing Survey No.89/1 and area of it is 0.449 hectare situated at Village Patadia Dhakad. Therefore, the applicant No.1 filed a Civil Suit No.26-A/2019 (new Civil Suit No.13-A/2020) (Annexure A-3) before Court of Civil Judge Class-1 Sarangpur, Rajgarh for declaration of title and permanent injunction therefore, the complainant have falsely implicated the applicants in the aforesaid civil suit. An order (Annexure A-4) of temporary injunction was passed on 09.01.2021 in favour of applicant No.1. The applicant No.1 has also filed a written complaint (Annexure A-5) on 18.06.2021 to SP, Rajgarh in respect of trying to dispossess from the aforesaid land to the applicant No.1.

4. Further, it has been argued that no prima facie case made out against the applicants under of the Act, 1989. Allegations as alleged in the FIR are baseless, therefore, impugned FIR and further proceeding pending before the Court of Rajgarh in Special Case No.186/2020 is liable to be quashed. The counsel has placed reliance on the judgment of ***Hitesh Verma V State of Uttarakhand and Anr. [2021 1 SCC (Cri) 1]***.

5. On the other hand, learned counsel for the non-applicant/State as well as the complainant/respondent No.2 have supported the alleged FIR and prayed for rejection of the petition.

6. I have heard learned counsels for the parties and perused the

records.

7. Main contention of the counsel for the applicants are that prima-facie offence under the Act, 1989 is not made out against the applicants therefore, it is pertinent to reproduce relevant sections of the Act, 1989:-

“3(1)(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

3(1)(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

3(2)(va) commits any offence specified in the Schedule 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 such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;]”

8. In the case of *Hitesh Verma (Supra)*, Supreme Court has held in Para 13 and 17 as under:-

*“13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the Society is subjected to indignities, humiliations and harassment. The*

*assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that respondent No.2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent No.2 is member of Scheduled Caste.*

*“17. In another judgment reported as [Khuman Singh v. State of Madhya Pradesh](#) 2019 SCC Online SC 1104, this Court held that in a case for applicability of [Section 3\(2\)\(v\)](#) of the Act, the fact that the deceased belonged to Scheduled Caste would not be enough to inflict enhanced punishment. This Court held that there was nothing to suggest that the offence was committed by the appellant only because the deceased belonged to Scheduled Caste. The Court held as under:*

*"15. As held by the Supreme Court, the offence must be such so as to attract the offence under [Section 3\(2\)\(v\)](#) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to “Khangar”-Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under [Section 3\(2\)\(v\)](#) of the [Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act](#) is not sustainable.”*

9. In the case of ***Rajeev Kourav v Baisahab And Ors.*** (CRA No.232 of 2020, judgment dated 11.02.2020), Supreme Court has opined in Para 6 as under:-

*"6. It is no more res integra that exercise of power under Section 482 CrPC to quash a criminal proceeding is only when an allegation made in the FIR or the charge sheet constitutes the ingredients of the offence/offences alleged. Interference by the High Court under Section 482 CrPC is to prevent the abuse of process of any Court or otherwise to*

*secure the ends of justice. It is settled law that the evidence produced by the accused in his defence cannot be looked into by the Court, except in very exceptional circumstances, at the initial stage of the criminal proceedings. It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 CrPC for quashing criminal proceedings. It is clear from the law laid down by this Court that if a prima facie case is made out disclosing the ingredients of the offence alleged against the accused, the Court cannot quash a criminal proceeding."*

10. In the case of ***Harsh Gupta V State of M.P.*** [MCRC No.63657 of 2021 judgment dated 14.01.2022] has opined as under:-

*"8. Further, the Supreme Court in the case of **State of MP Vs. Kunwar Singh** by order dated 30.06.2021 passed in Cr.A. No.709/2021 has held that a detailed and meticulous appreciation of evidence at the stage of 482 of Cr.P.C. is not permissible and should not be done. In the case of **Kunwar Singh (supra)**, the Supreme Court held as under:-*

*"8.....At this stage, the High Court ought not to be scrutinizing the material in the manner in which the trial court would do in the course of the criminal trial after evidence is adduced. In doing so, the High Court has exceeded the well-settled limits on the exercise of the jurisdiction under Section 482 of Cr.P.C. A detailed enquiry into the merits of the allegations was not warranted. The FIR is not expected to be an encyclopedia....."*

11. In the instant case, in the FIR, it is clearly mentioned that the applicants started to load Udad crops from the farm of complainant, then the incident had occurred. It is also clear that the applicants had given casteist abuses to the complainant. It is not revealed from the FIR that the applicants were loading Udad crops from plot No.89/1. Therefore, as per FIR and other evidence of the charge-sheet, it is clear that prima facie

offence is made out against the applicants. At this stage, it would not be proper to embark upon the appreciation of evidence as the FIR prima facie discloses commission of cognizable offence. As far as the submissions made by learned counsel for the applicants is concerned regarding pending civil suits for disputed land by the parties and lodging of cross FIR by the applicant No.1 is matter of evidence. Therefore, the petition sans merits.

12. Accordingly, the petition is **dismissed**.

(PRAKASH CHANDRA GUPTA)  
JUDGE

Shruti

