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NC: 2026:KHC:26352
CRL.P No. 3478 of 2025
C/W CRL.P No. 2990 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 3478 OF 2025

C/W

CRIMINAL PETITION NO. 2990 OF 2025

R

IN CRL.P No. 3478/2025

BETWEEN:

1. B.S.JAGADISH
S/O B.R.SOMASUNDAR,
AGED ABOUT 56 YEARS,
RESIDING AT HIG-68,
KHB COLONY, 60FT ROAD,
VINOBANAGAR,
SHIVAMOGGA – 577 204.
2. RAVASAHEB GALABI
S/O HONNAPPA GALABI,
AGED ABOUT 52 YEAS,
RESIDNG AT NO. 20/2,
2ND FLOOR, QUEEN ROAD,
H.K.P. ROAD,
BENGALURU – 560 051.
3. NIRANJAN KC
S/O K.E.CHANNABASAPPA,
AGED ABOUT 47 YEARS,
RESIDING AT HLC 20CD





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4TH CROSS, HUTTA COLONY,
BHADRAVATHI,
SHIVAMOGGA – 577 301.

...PETITIONERS

(BY SRI S.SRIRANGA, SR.ADVOCATE FOR
SMT.SUMANA NAGANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS BHADRAVATHI NEW TOWN POLICE STATION,
SHIVAMOGGA – 577 301.
REPRESENTED BY HCGP
HIGH COURT BUILDING
BENGALURU – 01.
2. MR.RAVI B.N.,
S/O LATE NAGARAJ RAO A.H.,
AGED ABOUT 42 YEARS,
RESIDING AT SRI RAGHAVENDRA KRUPA,
GANDHINAGARA, 2ND CROSS, HALENAGARA
BHADRAVATHI, SHIVAMOGGA – 577 301.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1;
SRI RAVISHANKAR K., ADVOCATE)

THIS CRL.P FILED U/S 528 OF BNSS BY PRAYING TO a)
QUASH THE FIRST INFORMATION REPORT DATED 19.02.2025
(ANNEXURE E) LODGED BY RESPONDENT NO.1 AND
COMPLAINT DATED 19.02.2025 (ANNEXURE F) FILED BY
RESPONDENT NO.2 AS AGAINST PETITIONERS HEREIN U/S.
3(1)(r), 3(1)(s) AND 3(1)(va) OF THE SCHEDULED CASTE AND
SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989
(1989 ACT) AND SECTION 351(2), 352, 127(2) AND 190 OF
THE BHARATHIYA NAGARIK SURAKSHA SANHITA, (BNSS)



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2023; b) CONSEQUENTLY, QUASH ALL FURTHER PROCEEDINGS IN CRIME NO.39/2025 PENDING ON THE FILES OF IV ADDL. DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA (SITTING AT BHADRAVATHI) AS AGAINST PETITIONERS HEREIN U/S. 3(1)(r), 3(1)(s) AND 3(1)(va) OF THE SCHEDULED CASTE AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 (1989 ACT) AND SECTION 351(2), 352, 127(2) AND 190 OF THE BHARATHIYA NAGARIK SURAKSHA SANHITA, (BNSS) 2023.

IN CRL.P NO. 2990/2025

BETWEEN:

1. MR.MADUKAR JOIS Y.V.,
S/O YTV JOISE,
AGED ABOUT 65 YEARS,
RESIDING AT TILAKA, 4TH CROSS,
JAYADEVA EXTENSION, ALKOLA,
VINOBANAGAR,
SHIVAMOGGA – 577 201.
2. MR.PRATHEEK M. JOIS
S/O MADHUKAR JOIS Y.V.,
AGED ABOUT 36 YEARS,
RESIDING AT TILAKA, 4TH CROSS,
JAYADEVA EXTENSION,
ALKOLA, VINOBANAGAR,
SHIVAMOGGA – 577 201.

...PETITIONERS

(BY SRI S.SRIRANGA, SR.ADVOCATE FOR
SMT.SUMANA NAGANAND, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS BHADRAVATHI POLICE STATION,



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SHIVAMOGGA – 577 301
REPRESENTED BY
SPECIAL PUBLIC PROSECUTOR,
HIGH COURT BUILDING
BENGALURU – 560 001.

2. MR.RAVI B.N.,
S/O LATE NAGARAJ RAO A.H,
AGED ABOUT 42 YEARS,
RESIDING AT SRI RAGHAVENDRA KRUPA,
GANDHINAGARA, 2ND CROSS,
HALENAGARA, BHADRAVATHI,
SHIVAMOGGA – 577 301.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1;

SRI RAVISHANKAR K., ADVOCATE FOR R-2)

THIS CRL.P FILED U/S.528 OF BNSS PRAYING TO A. QUASH THE FIR DATED 19.02.2025 (ANNEXURE E) LODGED BY RESPONDENT NO.1 AND COMPLIANT DATED 19.02.2025 (ANNEXURE F) FILED BY RESPONDENT NO.2 AS AGAINST THE PETITIONER HEREIN; B. CONSEQUENTLY, QUASH THE CRIME NO.39/2025 PENDING ON THE FILES OF IV ADDL. DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA (SITTING AT BHADRAVATHI) AS AGAINST THE PETITIONERS HEREIN U/S.3(1)(r), 3(1)(s) AND 3(1)(va) OF SC/ST (POA) ACT 1989 AND SEC.351(2), 352, 127(2), 190 OF BNSS 2023 WHEN OPENED BY RESPONDENT NO.1.

THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

Criminal petition No.2990/2025 is preferred by accused Nos.1 and 2 in Crime No.39/2025, now pending before the IV Additional District and Sessions Judge, Shivamogga (sitting at Bhadravathi), for the offences under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Sections 351(2), 352, 127(2) and 190 of the BNS. The companion petition is preferred by accused Nos.3, 4 and 5 in the said crime.

2. The complainant in these two petitions is common and the two petitions concern accused Nos.1 to 5. Therefore, these two petitions are taken up together and disposed by this common order. For the sake of brevity, facts obtaining in CrI.P.No.2990/2025 would be narrated.

3. Facts in brief, germane, are as follows:

The company involved in the case at hand is one Malnand Alloys Casting Private Limited (for short 'the company'). Accused No.1 is the Managing Director, accused No.2 is the



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Executive Director, accused Nos.3, 4 and 5 are the employees of the said company. Respondent No.2 was an employee of the company for 18 long years. Owing to certain omissions and commissions / negligence on the part of the complainant, during the shift in which the complainant was working, the company is said to have incurred loss of production. Owing to such loss of production, a show cause notice comes to be issued against the complainant on 13.12.2024. The complainant replies to the said notice, denying all the allegations in terms of his reply dated 21.12.2024. The reply was found to be unsatisfactory and therefore, the company appointed an Enquiry Officer, who in turn issues a notice of enquiry dated 15.01.2025, directing the complainant to appear on 27.01.2025. Being aggrieved by the notice of the enquiry, the complainant approaches the Industrial Tribunal in I.D.No.2/2025, seeking a declaration that the show cause notice was unlawful and also sought a direction to the petitioners to pay compensation for the financial distress caused by the petitioners and an order restraining the petitioners from engaging in any further caste based discrimination. The concerned Court did not grant *ex-parte*



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interim order as sought but issued notice to hear the petitioners. When things stood thus, the complainant registers a complaint before the jurisdictional police alleging that between the dates 13.08.2024 and 15.08.2024, the petitioners have caused criminal intimidation and intentionally insulted the complainant by taking the name of his caste. The allegation in the complaint was that, he was been working for 18 years and was wrongfully confined in the premises of the company and was abused. The complaint becomes a crime in Crime No.39/2025, against these five accused. The registration of the crime is what has driven the petitioners to this Court in the subject petitions.

4. Heard Sri S. Sriranga, learned senior counsel for the petitioners, Sri B.N.Jagadeesha, learned Additional State Public Prosecutor for respondent No.1 – State and Sri Ravishankar K., learned counsel for respondent No.2, in both the petitions.

5. Sri S. Sriranga, learned senior counsel for the petitioners would vehemently contend that the registration of the crime or the subject proceedings by the complainant is only to arm-twist the petitioners to yield in the litigation, which is



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pending before the concerned Industrial Tribunal, wherein the complainant challenges the show cause notice so issued. He would submit that there is neither hurling of abuses much less, intentionally hurling of abuses against the complainant taking the name of the caste. Therefore, the registration of the crime on the face of it, is an abuse of the process of the law and misuse of the provisions of the Act.

6. *Per contra*, Sri B.N.Jagadeesha, learned Additional State Public Prosecutor appearing for the State would vehemently refute the submissions of the learned senior counsel for the petitioners contending that the investigation in such cases is must in the least and hurling of abuses cannot be decided in a petition under Section 528 of the BNSS, but will have to be enquired by the Investigating Officer. It would always be open for the petitioners to approach the appropriate forum, in the event, a final report would go against the petitioners. He would seek dismissal of the petition.

7. Learned counsel for respondent No.2 - complainant would also seek dismissal of the petition on the score that the abuses have been hurled by the petitioners in the premises of



the company. Therefore, it is necessary that investigation in the least must be conducted to unearth the truth and veracity of the complaint so registered. He would also thus, seek dismissal of the petition.

8. I have given my anxious consideration to the submissions made by the learned counsel for the parties and have perused the material on record.

9. The afore-narrated facts are not in dispute. The company is incorporated in the year 1983. Accused Nos.1 and 2 are the Managing Director and Executive Director and accused Nos.3 to 5 are the office bearers. Respondent No.2 joined the company 18 years prior to the registration of the complaint and was at the relevant point in time working as Supervisor - Production and was in charge of shifts. When the complainant was on duty and was supervising the night shift commencing from 11.00 p.m. to 07.00 a.m. on 15.11.2024, due to the negligent act of the complainant, the company incurs loss of production. The company then issues a show cause notice on 13.12.2024. The show cause notice reads as follows:



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"HR/2024-2025

Date: 13.12.2024

Mr. Ravi B.N,
Emp. Code:0053,
Supervisor - Production.

SHOW CAUSE NOTICE

You are in the employment of the factory as Supervisor-Production and responsibilities, apart from others, are that of you are in charge of shift. Being shift-in-charge you are responsible for deployment of labour in the shift, allocation of work to them, supervise their functions, operations of machines and arranging materials required in the shift, and achieving production expected of the shift. Thus, your nature of work warrants management to have fairly high degree of confidence in you.

On 14.11.2024 you were on duty as shift-in-charge of night shift commencing at 11.00 PM and ending at 07.00 AM of 15.11.2024. During the above shift Heat No.5D324 Grade: 1.4405 PTD was planned in the furnace and as per the plan after melting you were expected to send the same to the Lab. Through the helper, but you did not do so and asked Mr.Vinayakumar C, Lab Assistant to take the bath sample. On Mr.Vinayakumar testing the sample at the Lab. He found that it was not tallying with 1.4405 grade, therefore he requested you to provide him one more sample. Though as per standard foundry practice you were expected to give second sample to the Lab. and after getting the result, if the same was not tallying with 1.4405 grade, you were expected to take decision before making the ingot, you did not provide second sample to the Lab. Next day when the ingot made by you was examined through PMI, it showed the result of tallying with 1.4405. Later piece of the above ingot was checked through the spectrometer, wherein it was found that except nickel 6.61% all other elements tallied with 1.4405 grade, which shows that by diluting the melt with 15 Kgs. LCMS & ferro alloys castings could have been made. Due to your above negligence, there was loss of production to the extent of 150 Kgs which works out to Rs.22,200/- including additional labour, power consumption and other resources. On the above, you were issued notice dated 19.11.2024 calling for your explanation.



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To make a detailed investigation into the matter on 18.11.2024 Mr.Jagadish B.S, CEO called you to his office at about 3.30 PM, wherein Mr. Ravasaheb Galabi, Senior Manager Production, Mr. N. Subbanna, Head QA & Laboratory, Mr. Niranjana K. C, Manager HR, Mr. Naveenkumar K. R. Asst. Manager HR, Mr.Ajay. L. J. Supervisor Production Mr. Vinaykumar. C. Lab Assistant and Mr.Hanumanthappa, Security Supervisor were present. When Mr Jagadish B.S questioned you on the above, you reacted in Kannada Language as "naanu SC & ST antha target maaduthira" by saying so you went to touch his feet, which he did not allow. On your above conduct, you were issued notice dated 20.11.2024 calling for your explanation.

You by your letter dated 23.11.2024, instead of offering explanation, made allegations against Mr.Jagadish B.S of his using abusive words against you. On enquiry with the persons present at that time, it is found that you have made false and vicious allegations against Mr.Jagadish B.S.

You were on duty in second shift on 22.11.2024 commencing at 03.00 PM & ending at 11.00 PM being shift in-charge for melting at Hall no 01. For Heat No: 50493. Grade: CF8 you were given melting log sheet cum charge calculation sheet with 1771 KG where you have charged excess material against the plan and a total of 160 Kgs of excess metal is ingotted which indicates that you have deviated melting plan. By using ready moulds for grade CF8 for pouring of excess material, loss of material would have been minimized. Being Supervisor in melting department, it is your responsibility to run the shift as per plan without rejection or wastage of raw materials to get optimum utilization of labour, material, machine and power and the above action shows that you have failed to perform your duties. Your above conduct has resulted in loss of raw material, power, labour to the extent of 160 Kgs, and financial loss to the company to the extent of Rs.61.600.

The charges alleged as above amounts to acts of misconduct of gross negligence, negligence and neglect of work, wastage of company property, making false and vicious allegations and an act amounting to an act subversive of discipline. Further considering your nature of duty, it amounts to management losing confidence on you.



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Therefore, you are hereby called upon to show cause in writing within two days of the receipt of this notice as to why necessary disciplinary and administrative action should not be taken against you. In case you fail to offer your explanation as stated above, it will be deemed that you have no explanation to offer and further action will be taken.

For Malnad Alloy Castings Pvt. Ltd.,

Y. V. Madhukar Jois
Managing Director."

9.1. The complainant submits an explanation to the show cause notice on 21.12.2024. The explanation reads as follows:

"The Managing Directory,
Malnad Alloy Castings Pvt. Ltd.,

Submitted:

Sub: Explanation to the show cause notice
HR/2024-25 dated 13.12.2024/17.12.2024.

=====

01. In response to the above show-cause notice, I write to submit that:

a. Yes, I have been serving this esteemed company for the last 17 years as a supervisor.

b. True that as a Shift-Incharge, I have to allocate work to the workers posted under me in that particular Shift, supervise their work, Including operation of Machines and arranging required materials and aim at achieving the production expected In the Shift.

I have been, diligent In my work by discharging the same to the best of my ability and Interest of the Management.



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02. It is true that I was posted to work in the 3rd Shift on 14.11.2024 commencing from 11 pm to 7am on the following day. While I took over the charge of my duty on 14.11.2024 by 11 pm, the PTD Furnace was already loaded by Shri Ajay, Supervisor, In the previous Shift. I continued the process thereafter by melting the said load.

03. After melting, it is true that as a Supervisor I was supposed to send the 'bath-sample' to the Laboratory for chemical analysis. Accordingly, I have sent the 'bath-sample' to the Lab through Shri Vinaykumar, the Lab Assistant.

04. Shri Vinaykumar, thereafter, rang up to me to inform that the said sample was not tallying with the specification of Grade: 1.4405. But it is not true to say that he requested for a second sample for a repeat-test. I would like to emphasize that there was no such practice of repeat-test the Grade in question in the regular process. Even then, if it was requested, I would have certainly sent one more sample. I submit that the idea of 'repeat test' is an afterthought and improvement to the Shaw-Cause Notice dated 19.11.2024.

05. It is true that I was expected to examine and take a decision before ingoting the defective-melt. But, as a matter of abundant caution, as soon as I got the Information from Vinaykumar, about non-conforming to the required specification, I contacted Shri A.N. Subbanna, Head of QA & Lab to confirm the correctness of the version of Vinaykumar. Shri A.N.Subbanna confirmed the information given to me by Vinaykumar.

06. Thereafter, I arranged a Conference-Call with my Senior Manager-Production, Shri Ravasaheb Galabi and the Head of the Lab, Shri A.N.Subbanna to decide about ingoting the same [heat No.5D324, Gr 1.4405). After a detailed discussion among all the three of us, my Head, Shri Ravasaheb Galabi ordered me to ingot the same. Accordingly I have done.

07. The version now propounded In the Notice under reply, is an Improved version aimed at targeting me with the charges of misconduct. I have recorded the discussion held in the Conference-Call, which speaks for itself the truth and nothing but the truth.



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08. I totally deny having been guilty of the charges such as of negligence, being responsible for the loss of production to the extent of 150 kg valued at 22,200.00, exploitation of additional labour, extra power consumption and other resources.

09. I may also state that the principles of Fairness and Natural Justice, which are hall-marks in the Industrial relationship, enjoined on the team of Officers named in the Show-Cause Notice to have called me to witness their acts of reexamine the ingoting through PMI, checking the same through Spectrometer etc. Be that as it may, the Show-Cause Notice under reply has emanated, manifestly, from the report of all the above named Officers. As an MD, you were, in my opinion could not be a witness to all such things. The principles of Natural Justice and Fairness warranted supply of such a copy/ies to me to enable me to give specific and more appropriate explanation.

10. I totally deny what is alleged against me in the Show-Cause Notice under, reply, which is an Improvement. I had submitted my detailed explanation to your show cause notice dated 19.11.2024, I crave you to refer to the same as a part of my present explanation,

11. I regret to note that, by your letter dated 17.12.2024, you have flatly denied the reports/information with supporting documents forming the basis of this Show-Cause. The present Show Cause Notice has evidently arisen out of the report/s of the CEO and other Officers named above. You have failed to realize that this Show-Cause is a question of my life and death.

12. I would like to reiterate what I have already submitted that:

".....Immediately after resuming my duty on 18.11.2024. I met the Managing Director and apprised him the cause for Ingoting the said material during the night-shift on 14.11.2024.

While returning from the office of the Managing Director and heading towards my department, I met Shri Jagadish, the CEO, who was heading to his office. The CEO could not bear the sight of me



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coming out of the chambers of the MD and his indignation burst out with the following utterances:

"ಯಾಕೋ ಎಂ.ಡಿ, ಹತ್ತಿರ ಹೋಗಿದ್ದೆ".

and asked me to follow him to his office referring me, on his way to his office as

"ನಾನ್ ಸೆನ್ಸ್, - ಸೌಂಡ್ರಲ್, ಬಾ ನನ್ನ ಛೇಂಬರ್ಗೆ"

I followed him implicitly to his Office. After entering his office, he uttered the following:

"ಇನ್‌ಗಾಟಿಂಗ್ ನೀನೇ ಕಾರಣ ಎಂದು ತಪ್ಪು ಒಪ್ಪಿಕೊ" (ನನ್ನ ಎಸ್.ಪಿ. ಜಾತಿಯನ್ನು ಉಲ್ಲೇಖಿಸಿ) ಕೀಳು ಜಾತಿಯವರಿಗೆ ಕೆಲಸ ಕೊಟ್ಟಿರುವುದೇ ತಪ್ಪು, ಕೆಲಸದಲ್ಲಿ ಮುಂದುವರೆಯಬೇಕು ಎಂದರೆ ಕ್ಷಮೆ ಕೇಳು. ನೀನು ಆ ಮೂಲೆಯಲ್ಲಿ ನೆಲದ ಮೇಲೆ ಕುಳಿತುಕೋ"

The CEO forced me to squat on the floor in his office-room and then summoned the Production Manager, Shri Ravasab Galibi, HR, Shri Niranjan, HR, Shri Naveen, Shri Subbanna, the Lab-Manager and Shri Ajay, the Production Supervisor to his office and forced them to give a written-complaint accusing me as being responsible for Ingoting the above Heat. Shri Hanumanthappa, the Security Supervisor, who was also summoned by the CEO, was asked to snatch away my Mobile Phone to see that I should not communicate with anybody. However, Shri Hanumanthappa, could not succeed to snatch my Mobile.

At this stage, the Production Manager, Shri Ravasab Galibi, Lab-Manager, Shri Subbanna, both the HRs, Shriyuths Niranjan and Naveen asked me to fall at the feet of the CEO and beg pardon. The CEO threatened me that he would see that I was removed from the service and until then I will be transferred to Coimbatore Unit of the Company.

I sincerely requested all the above officers to have a look at the Bath-Sample Report of the sample taken by Shri



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Vinay from me on the fateful day. **But, they did not bother even to have a look at the report stored in my Mobile, Their aim was to victimize me at the insistence of the CEO. All of them were trying to make me a scape-goat with ulterior motives. The CEO was grossly abusing his office and power to set up the aforesaid officers against me.**

Thereafter, they took me to your Chamber making false accusations against me. My repeated request of verifying the Bath Sample has fallen on their deaf ears."

13. The allegation of the above personnel that when the said CEO questioned me on the above facts I reacted the saying- "ನಾನು ಎಸ್‌ಸಿ ಮತ್ತು ಎಸ್ ಟಿ ಅಂತಾ ಟಾರ್ಗೆಟ್ ಮಾಡುತೀರಾ" and went to touch his feet, which he did not allow are utter falsehoods. Evidently, the CEO has hatched up this idea to wriggle out from what he said and done about my caste.

14. I further state that the repeat-test and consequential report of the above team of officers is certainly an afterthought to fix me by hook or crook.

The additional charge as stipulated below:-

"You were on duty in second shift on 22.11.2024 commencing at 3 pm and ending at 11 pm being shift In-charge for melting at Hall no.01. For Heat No.5D493, Grade: CF8 you were given melting log sheet cum charge calculation sheet with 1771 kg where you have charged excess material against the plan and a total of 160 kgs of excess metal is ingotted which Indicates that you have deviated melting plan. By using ready moulds for grade CF8 for pouring of excess martial, loss of material would have been minimized. Being supervisor in melting department, it is your responsibility to run the shift as per plan without rejection or wastage of raw materials to get optimum utilization of labour, material, machine and power and the above action shows that you have failed to perform your duties. Your above conduct has resulted in loss of raw material, power, labour to the extent of 160



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kgs. and financial loss to the company to the extent of ₹61.600" are denied as false and unfounded.

I vehemently deny the above charge as unfounded. I state that when I assumed charge in the 2nd shift on 22.11.2024, Shri Ravi had already kept ready the scrap (Heat No.5D493.Gr:CF81 for melting. During the 2nd shift, I started the process but was not complete till the end of my Shift. There was about 400 kgs of Returns. Shri Govindappa, Helper, took charge from me. I had given clear Instructions to the said Govindappa about the availability of excess Returns and advised him to save about 120 kgs from and out of 420 kgs kept aside by me Thereafter. I do not know what happened. It is only, now, from the above Show-Cause. Notice, I learn about the use of excess material for Ingotting. If there is any lapse in the functioning in the night-shift, the official/officer concerned who worked in the night-shift is answerable and not me.

15. In the circumstances explained above, I humbly request you to revisit the matter in its proper perspective and render justice to me by withdrawing the show-cause notice under reply.

16. I have been singularly targeted by the CEO time and again humillating me and my caste with an oblique motive of harassing, torturing and getting rid of me. The theory propounded by the CEO is false and fabricated story. The other officers, referred to in the Show-Cause Notice have evidently succumbed to the pressure and influence of the CEO."

(Emphasis added)

9.2. An Enquiry Officer comes to be appointed, finding the reply of the complainant unsatisfactory. The Enquiry Officer issues a notice on 15.01.2025. The complainant challenges the said notice before the Industrial Tribunal in I.D.No.2/2025. The prayer that is sought is as follows:



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"PRAYER

a) To declare that the show cause notice issued by the respondent is unlawful, unfair, and in violation of the petitioner's rights under the Industrial Disputes Act, 1947, and the Constitution of India.

b) To direct the respondent to pay compensation for the emotional and financial distress caused by the respondent's unlawful actions.

c) To direct the respondent to cease any further caste-based discrimination against the petitioner and other employees within the company.

d) Any other relief that this Hon'ble Court deems fit and proper in the interest of justice."

(Emphasis added)

9.3. The petitioner seeks an interim order before the Industrial Tribunal. The interim order is refused by the following order dated 25.01.2025:

"Counsel for the petitioner filed IA No.1 U/Order 39 Rule 1 and 2 of CPC. Heard the Ld counsel for the petitioner on IA No.1. Perused the materials on record. I found no urgency to pass any exparte order without hearing the respondents on IA No.1. Hence, issue emergent notice of IA No.1 and copy of the petition to the respondent No.1 to 4. Returnable by 06.02.2025."

(Emphasis added)

9.4. Immediately thereafter, springs the impugned complaint on 19.02.2025. The complaint so registered reads as follows:

"नः



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ಆರಕ್ಷಕ ಉಪ ನಿರೀಕ್ಷಕರು,
ನ್ಯೂಟೌನ್ ಪೊಲೀಸ್ ಠಾಣೆ,
ಭದ್ರಾವತಿ.

ಪಿರ್ಯಾದಿದಾರರು
ರವಿ ಬಿ.ಎನ್ ಬಿನ್
ಲೇಟ್ ನಾಗರಾಜ್‌ರಾವ್ ಎ.ಹೆಚ್.,
ವಯಸ್ಸು 42 ವರ್ಷ
ಮಲ್ಲಾಡ್ ಅಲಾಯ್ ಕ್ಯಾಸ್ಪಿಂಗ್ ಪ್ರವೇಟ್
ಲಿ., ಇಂಡಸ್ಟ್ರಿಯಲ್ ಏರಿಯಾ.
ಮಾಚೇನಹಳ್ಳಿ,
ಭದ್ರಾವತಿ- ಶಿವಮೊಗ್ಗ

ವಿರುದ್ಧ ಆರೋಪಿಗಳು

- 1) ವೈ.ವಿ.ಮಧುಕ ಜೋಯ್ತಿ
ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು,
ಮಲ್ಲಾಡ್ ಅಲಾಯ್ ಕ್ಯಾಸ್ಪಿಂಗ್
ಪ್ರವೇಟ್ ಲಿ.,
ವಯಸ್ಸು 65 ವರ್ಷ
- 2) ಪ್ರತಿಕ್ ಜೋಯ್ತಿ
ಎಸ್ಸಿಕ್ಯೂಟಿವ್ ಡೈರೆಕ್ಟರ್, ಮಲ್ಲಾಡ್ ಅಲಾಯ್
ಕ್ಯಾಸ್ಪಿಂಗ್ ಪ್ರವೇಟ್ ಲಿ, ವಯಸ್ಸು 36
ವರ್ಷ
- 3) ಬಿ. ಎಸ್. ಜಗದೀಶ್, ಸಿ.ಇ.ಓ.,
ಮಲ್ಲಾಡ್ ಅಲಾಯ್ ಕ್ಯಾಸ್ಪಿಂಗ್ ಪ್ರವೇಟ್
ಲಿ, ವಯಸ್ಸು 56 ವರ್ಷ
- 4) ರಾವಾ ಸಾಹೇಬ್ ಗಲೀಬಿ ಪ್ರೋಡೆಕ್ಷನ್
ವ್ಯವಸ್ಥಾಪಕರು, ಮಲ್ಲಾಡ್ ಅಲಾಯ್
ಕ್ಯಾಸ್ಪಿಂಗ್ ಪ್ರವೇಟ್ ಲಿ, ವಯಸ್ಸು 55
ವರ್ಷ
- 5) ನಿರಂಜನ್,
ಕಛೇರಿ ಹೆಚ್.ಆರ್.
ಮಲ್ಲಾಡ್ ಅಲಾಯ್ ಕ್ಯಾಸ್ಪಿಂಗ್ ಪ್ರವೇಟ್
ಲಿ, ವಯಸ್ಸು 53 ವರ್ಷ

ಮಾನ್ಯರೇ

ವಿಷಯ: ನನಗೆ ಮಲ್ಲಾಡ್ ಅಲಾಯ್ ಕ್ಯಾಸ್ಪಿಂಗ್ ಪ್ರವೇಟ್ ಲಿಮಿಟೆಡ್ ನಲ್ಲಿನ
ಕಂಪನಿಯ ವ್ಯವಸ್ಥಾಪಕರು ನೀಡಿದ ಮಾನಸಿಕ ಮತ್ತು ದೈಹಿಕ
ಹಿಂಸೆ ಕೊಟ್ಟು ಹಾಗೂ ಜಾತಿ ನಿಂದನೆ ಮಾಡಿದ ಬಗ್ಗೆ.



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ಸ್ವಾಮಿ ನಾನು ತಮ್ಮಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸುವುದೇನೆಂದರೆ, ನಾನು ಈ ಮೇಲ್ಕಂಡ ಮಲ್ಟಾಡ್ ಅಲಾಯ್ ಕ್ಯಾಸ್ಪಿಂಗ್ ಪ್ರವೇಟ್ ಲಿಮಿಟೆಡ್ ಕಂಪನಿಯಲ್ಲಿ ಸುಮಾರು 18 ವರ್ಷಗಳಿಂದ ಪ್ರೋಡಕ್ಷನ್ ನಲ್ಲಿ ಮೇಲ್ವಿಚಾರಕರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಾ ಬಂದಿದ್ದು ನಾನು ಯಾವುದೇ ತರಹದ ಲೋಪದೋಷವಿಲ್ಲದೆ ನಿಷ್ಠೆಯಿಂದ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಾ ಬಂದಿರುತ್ತೇನೆ.

ನನಗೆ ಸುಮಾರು ಎರಡು ವರ್ಷಗಳಿಂದ ನನ್ನ ಕಂಪನಿಯಲ್ಲಿ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರಾದ ವೈ.ವಿ.ಮಧುಕರ್ ಜೋಯ್ಸ್ ರವರು ನನಗೆ ಮಾನಸಿಕವಾಗಿ ಕಿರುಕುಳ ಮಾಡುತ್ತಾ ಬಂದಿರುತ್ತಾರೆ. ಆದರೆ ನಾನು ಈ ಕಂಪನಿಯಲ್ಲಿ ಕೆಲಸ ಮಾಡಿ ಜೀವನ ನಡೆಸುತ್ತಿರುವುದರಿಂದ ಅವರು ಯಾವುದೇ ಕಿರುಕುಳ ಕೊಟ್ಟರೂ ಸಹ ನಾನು ಎಲ್ಲವನ್ನೂ ಸಹಿಸಿಕೊಂಡು ಬಂದಿರುತ್ತೇನೆ. ಆದರೆ ಇತ್ತೀಚಿನ ದಿನಗಳಲ್ಲಿ ನಮ್ಮ ಕಂಪನಿಯ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರಾದ ವೈ.ವಿ ಮಧುಕರ್ ಜೋಯ್ಸ್ ರವರ ಆದೇಶದ ಮೇರೆಗೆ 2024 ಅಗಸ್ಟ್ ತಿಂಗಳು 9ನೇ ಮಂಗಳವಾರದಿಂದ ಗುರುವಾರ ರಾತ್ರಿಯವರೆಗೆ ಪ್ರತಿ ದಿನ ಕೆಲಸದ ಸಮಯದಲ್ಲಿ ವಾಚಮನ್ ಕೆಲಸ ಮಾಡುವ ಕೊಠಡಿಯಲ್ಲಿಯೇ ನನ್ನನ್ನು ಕುಳಿತುಕೊಳ್ಳುವಂತೆ ಮಾಡಿದ ಮೇಲಿನ ಇತರ ಆರೋಪಗಳು ಆ ಸಮಯದಲ್ಲಿ ಮಲ ಮೂತ್ರ ವಿಸರ್ಜನೆಗೂ ಹೋಗಲು ಸಹ ಬಿಡದೆ ಒಂದು ಪ್ಲಾಸ್ಟಿಕ್ ಬಕೀಟ್ ನಲ್ಲಿಯೇ ಮೂತ್ರ ವಿಸರ್ಜನೆ ಮಾಡುವಂತೆ ಒತ್ತಾಯಿಸಿದರು. ವಿದಿ ಇಲ್ಲದೆ ಅವರು ಹೇಳಿದಂತೆಯೇ ಕೇಳಿದ ನಾನು ಕೊನೆಗೆ ನನಗೆ ಈ ರೀತಿ ಯಾಕೆ ಮಾನಸಿಕವಾಗಿ ಚಿತ್ರ ಹಿಂಸೆ ನೀಡುತ್ತಿರುವಿರಿ ಎಂದು ಏರು ಧ್ವನಿಯಲ್ಲಿ ಕೂಗಾಡಿದಾಗ ಏ ಮೋಚಿ ಸೂಳೆ ಮಗನೆ ನಿನ್ನದು ಅತಿಯಾಯ್ತಿ ನಿಮ್ಮಂತಾ ಮೋಚಿ ಜಾತಿಯ ಎಸ್ ಸಿ ಎಸ್ ಟಿ ಜನಾಂಗದವರನ್ನು ನನ್ನ ಕಂಪನಿಯಲ್ಲಿ ಸೇರಿಸಿಕೊಂಡಿರುವುದು ದೊಡ್ಡ ತಪ್ಪಾಯಿತು, ಏನೋ ಬೋಳಿ ಮಗನೆ ನಿನ್ನಮ್ಮನ್ ನೀನು ಕಂಪನಿಯ ಸಾಹುಕರರಿಗೆ ಮತ್ತು ಅವರ ಮಗನಿಗೆ ಗುರಾಯಿಸಿ ನೋಡುತ್ತಿಯಾ ? ಏನಾದರೂ ಕೇಳಿದರೆ ರೋಪ್ ಹಾಕಿ ಮಾತನಾಡುತ್ತಿಯಾ ? ಇನ್ನೊಂದು ಸಾರಿ ಈ ರೀತಿ ಮಾಡಿದರೆ ಸೂಳೆ ಮಗನೆ ನಿನ್ನನ್ನು ಕಬ್ಬಿಣದ ಕ್ಯಾಸ್ಪಿಂಗ್ ಜೊತೆಗೆ ಹಾಕಿ ಪೈ ಮಾಡಿ ಬಿಡುತ್ತೀವಿ ಉಷಾರ್ " ಎಂದು ಬೆದರಿಸಿ ಅಲ್ಲಿಂದ ನನ್ನನ್ನು ಬಿಟ್ಟು ಕಳುಹಿಸಿದರು ಈ ವಿಚಾರವನ್ನು ಯಾರಿಗೂ ತಿಳಿಸದೆ ಮಾನಸಿಕವಾಗಿ ನೊಂದಿದ್ದೇನೆ. ಅಲ್ಲದೆ ಮೇಲ್ಕಂಡ ವ್ಯವಸ್ಥಾಪಕರು ಮತ್ತು ಇತರರು ಮನಹ ಮುಂದುವರೆದು ನಿಮ್ಮ ಮನೆಯವರೆನಾದರೂ ಈ ವಿಚಾರದಲ್ಲಿ ನಮ್ಮ ವಿರುದ್ಧ ದೂರು ಕೊಟ್ಟರೆ ನಾವು ಯಾವುದಕ್ಕೂ ಹೆದರುವುದಿಲ್ಲ ಎಲ್ಲಾ ಪೊಲೀಸರಿಗೂ ಪ್ರತಿ ಆಯುಧ ಪೂಜೆ ಸಮಯದಲ್ಲಿ ವರ್ಷಕ್ಕೆ ಅಂತಾ ದುಡ್ಡು ಕೊಟ್ಟು ಸಾಕಿದ್ದೇವೆ ಎಂದು ಮಧುಕರ್ ಜೋಯ್ಸ್, ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಮತ್ತು ಅವರ ಮಗ ಪ್ರತೀಕ್ ಜೋಯ್ಸ್ ರವರು ನನ್ನನ್ನು ಎಚ್ಚರಿಸಿರುತ್ತಾರೆ. ಮನಹ ಇವರೆಲ್ಲರೂ ಇಂಥಹ ಚಪ್ಪರ್ ಗಳಿಗೆ ಇನ್ನು ಮುಂದೆ ಈ ಇಂಡಸ್ಟ್ರೀಸ್



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ನಲ್ಲಿಟ್ಟುಕೊಳ್ಳಬಾರದು ಇಟ್ಟುಕೊಂಡರೆ ನಮ್ಮ ಕಂಪನಿಯ ಸಾಹುಕಾರರಿಗೆ ದರಿದ್ರ ಬರುತ್ತದೆ. ಎಂದು ಹೀನಾ ಮಾನವಾಗಿ ಬೈದಿರುತ್ತಾರೆ.

ಇವನನ್ನು ಮೊದಲು ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿ ಎಂದು ನನ್ನ ಎದುರಿಗೆ ಕೇಳಿದ ಮೇಲಿನ ನಾಲ್ಕು ಜನ ಆರೋಪಿಗಳು ಆಗ ಕಂಪನಿ ಉದ್ಧಾರವಾಗುತ್ತದೆ ಎಂದು ಹೇಳುವ ಮೂಲಕ ಸಾರ್ ಇವನಿಗೆ ಕೂಡಲೇ ನೋಟೀಸ್ ಜಾರಿ ಮಾಡಿ ಇಲಾಖೆ ವಿಚಾರಣೆ ನಡೆಸಿ ಈ ಹಿಂದೆ ಕೆಲಸದಿಂದ ಕಾರ್ಮಿಕ ಸಂಘದ ಅಧ್ಯಕ್ಷ ಶಿವಣ್ಣನನ್ನು ವಜಾ ಮಾಡಿದಾಗ ಇವನನ್ನು ಸಹ ವಜಾ ಮಾಡಿಸಾರ್ ಇಲ್ಲಾ ಅಂದರೆ ಈ ಕಂಪನಿಗೆ ಬಹಳ ನಷ್ಟವಾಗುತ್ತದೆ.. ಚಪ್ಪಲಿ ಹೊಲಿಯುವ ಮೋಚಿಗಳು ನಮ್ಮ ಕಂಪನಿಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುವುದರಿಂದಲೇ ಈ ಕಂಪನಿಗೆ ಹಲವಾರು ತೊಂದರೆ ಬರುತ್ತಿರುವುದು. ಅಂಥಾ ಕುಂದಾಪುರದ ಗಣಪತಿ ಭಟ್ಟರು ಕಳೆದ ಭಾರಿ ನಾವು ಹೋಮ ಮಾಡಿಸಿದ ಸಮಯದಲ್ಲಿ ಹೇಳಿದರು. ಒಮ್ಮೆ ನೀವು ಆ ವಿಚಾರವನ್ನು ನೆನಪು ಮಾಡಿಕೊಳ್ಳಿ ಎಂದು ಮಧುಕರ ಜೋಯ್ಸ್ ಮತ್ತು - ಅವರ ಮಗ ಪ್ರತೀಕ್ ಜೋಯ್ಸ್ ರವರಿಗೆ ನೆನಪು ಮಾಡಿ ಕುಮ್ಮಕ್ಕು ಕೊಟ್ಟ ಆರೋಪವನ್ನು ಇತರೆ ಮೂರು ಜನರು ಎಸಗಿರುತ್ತಾರೆ.

ಈ ವಿಚಾರದ ಬಗ್ಗೆ ನಮ್ಮ ಮೋಚಿ ಸಮಾಜದ ವತಿಯಿಂದ ಒಂದು ಮನವಿಯನ್ನು ದಿನಾಂಕ:10.02.2025 ರಂದು ನೀಡಿದ್ದರೂ ಸಹ ಅದಕ್ಕೆ ಯಾವುದೇ ಕಿಮ್ಮತನ್ನು ಕೊಡದೆ ಪ್ರತೀಕ್ ಜೋಯ್ಸ್ ರವರು ಹೇಳಿದ್ದೇನೆಂದರೆ, ಕೆಲಸದ ಸಮಯದಲ್ಲಿ ಆಕಸ್ಮಿಕವಾಗಿ ಸತ್ತಾ ಎಂಬ ಕಾರಣ ಕೊಟ್ಟು ಈ ಕಂಪನಿಯಿಂದ ನಿನ್ನ ಹೆಣವನ್ನು ಮನೆಗೆ ಕಳುಹಿಸುತ್ತೇವೆ ಹುಷಾರ್ ಎಂದು ಜೀವ ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾರೆ. ಈ ಎಲ್ಲಾ ವಿಚಾರಗಳಿಂದ ತೀವ್ರ ಭಯಭೀತನಾದಿ ನಾನು ಮತ್ತು ನನ್‌ನ ಕುಟುಂಬಕ್ಕೆ ಪ್ರಾಣ ಬೆದರಿಕೆ ಇದೆ ಎಂದು ಅರಿತಿದ್ದೇನೆ.

ಆದ್ದರಿಂದ ಸ್ವಾಮಿ ನನಗೆ ಹೀನಾಯವಾಗಿ ಜಾತಿ ನಿಂದನೆ ಮತ್ತು ದೈಹಿಕವಾಗಿ ಹಾಗೂ ಮಾನಸಿಕವಾಗಿ ಹಿಂಸಿಸಿದ ಮೇಲ್ಕಂಡ ಎಲ್ಲರ ಮೇಲೆ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಯನ್ನು ಕೂಡಲೇ ದಾಖಲಿಸಿ ಇವರೆಲ್ಲರ ಮೇಲೆ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಿ ನನಗೆ ನ್ಯಾಯವನ್ನು ಕೊಡಿಸಬೇಕೆಂದು ತಮ್ಮಲ್ಲಿ ಈ ಮೂಲಕ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ."

(Emphasis added)

The allegation in the complaint is that, the complainant has been intimidated, which becomes the ingredients of Section 351(1) of the BNS, for criminal intimidation, which was Section 503 of the IPC, the earlier regime. The petitioners have hurled



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abuses taking the name of the caste of the complainant. It is not in dispute that the complainant has been in the company for the last 18 years and not an entrant yesterday. Not even one incident is quoted in the complaint of such hurling of abusers, prior to the said incident of negligence of the complainant during the performance of his duty. Therefore, the complaint will have to be viewed from the lens of the arm-twisting tactic of the complainant, by misusing of the provisions of the Act.

10. If the link in the chain of events as observed hereinabove are considered, the unmistakable inference is that, the complainant in order to wreck vengeance against the petitioners for having issued the show cause notice and appointing an Enquiry Officer to conduct a departmental enquiry, has registered the impugned crime in gross misuse of the provisions of the Act. It is un-understandable as to how the complaint is registered without verification of whether there has been in fact hurling of abuses or the truth in the complaint.

11. In such circumstances it becomes germane to notice the judgment of the Apex Court in the case of **GULAM**



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reported in **2023 SCC OnLine SC 603**, wherein it has held as follows:

"34. Insofar and inasmuch as interference in cases involving the SC/ST Act is concerned, we may only point out that a three-Judge Bench of this Court in *Ramawatar v. State of M.P.* [*Ramawatar v. State of M.P.*, (2022) 13 SCC 635] , has held that the mere fact that the offence is covered under a "special statute" would not inhibit this Court or the High Court from exercising their respective powers under Article 142 of the Constitution or Section 482 of the Code, in the terms below : (SCC pp. 641-42, paras 16-17)

"16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The SC/ST Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The Courts have to be mindful of the fact that the SC/ST Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, *where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings.* On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the



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SC/ST Act would not be contravened or diminished even if the felony in question goes unpunished, *the mere fact that the offence is covered under a "special statute" would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482CrPC."*

(emphasis supplied)

35. We have bestowed anxious consideration to the precedents cited by the learned counsel for the respondents and are of the view that the same are inapposite to the factual scenario herein. Suffice it would be to state that while the propositions laid down therein are not disputed, they do not prejudice the version of the present appellant. *Tapan Kumar Singh* [CBI v. *Tapan Kumar Singh*, (2003) 6 SCC 175 : 2003 SCC (Cri) 1305] and *Naresh* [State of U.P. v. *Naresh*, (2011) 4 SCC 324 : (2011) 2 SCC (Cri) 216] indicate that the FIR need not be a detailed one, as it is only to initiate the investigative process and the police should ordinarily be allowed to investigate. This is the general rule, but not a fetter on this Court or the High Court in an appropriate case.

36. What is evincible from the extant case law is that this Court has been consistent in interfering in such matters where purely civil disputes, more often than not, relating to land and/or money are given the colour of criminality, only for the purposes of exerting extra-judicial pressure on the party concerned, which, we reiterate, is nothing but abuse of the process of the court.

37. In the present case, there is a huge, and quite frankly, unexplained delay of over 60 years in initiating dispute with regard to the ownership of the land in question, and the criminal case has been lodged only after failure to obtain relief in the civil suits, coupled with denial of relief in the interim therein to Respondent 2/her family members. It is evident that resort was now being had to criminal proceedings which, in the considered opinion of this Court, is with ulterior motives, for oblique reasons and is a clear case of vengeance.



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38. The Court would also note that even if the allegations are taken to be true on their face value, it is not discernible that any offence can be said to have been made out under the SC/ST Act against the appellant. The complaint and FIR are frivolous, vexatious and oppressive.

39. This Court would indicate that the officers, who institute an FIR, based on any complaint, are duty-bound to be vigilant before invoking any provision of a very stringent statute, like the SC/ST Act, which imposes serious penal consequences on the accused concerned. The officer has to be satisfied that the provisions he seeks to invoke prima facie apply to the case at hand. We clarify that our remarks, in no manner, are to dilute the applicability of special/stringent statutes, but only to remind the police not to mechanically apply the law, de hors reference to the factual position."

(Emphasis supplied)

11.1. Earlier to the afore-quoted judgment, the Apex Court in the case of **HITESH VERMA v. STATE OF UTTARAKHAND** reported in **(2020) 10 SCC 710**, has held as follows:

" "

"14. Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as *Swaran Singh v. State* [*Swaran Singh v. State*, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] . The Court had drawn distinction between the expression "public place" and "in any place within public view". It was held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the



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road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view (*sic*) [**Ed.** : This sentence appears to be contrary to what is stated below in the extract from *Swaran Singh*, (2008) 8 SCC 435, at p. 736d-e, and in the application of this principle in para 15, below: "Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view."]. The Court held as under: (SCC pp. 443-44, para 28)

"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a "chamar") when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, *and* also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaonsabha or an instrumentality of the State, and not by private persons or private bodies."



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(emphasis in original)

15. As per the FIR, the allegations of abusing the informant were within the four walls of her building. It is not the case of the informant that there was any member of the public (not merely relatives or friends) at the time of the incident in the house. Therefore, the basic ingredient that the words were uttered "in any place within public view" is not made out. In the list of witnesses appended to the charge-sheet, certain witnesses are named but it could not be said that those were the persons present within the four walls of the building. The offence is alleged to have taken place within the four walls of the building. Therefore, in view of the judgment of this Court in *Swaran Singh* [*Swaran Singh v. State*, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527], it cannot be said to be a place within public view as none was said to be present within the four walls of the building as per the FIR and/or charge-sheet.

16. There is a dispute about the possession of the land which is the subject-matter of civil dispute between the parties as per Respondent 2 herself. Due to dispute, the appellant and others were not permitting Respondent 2 to cultivate the land for the last six months. Since the matter is regarding possession of property pending before the civil court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe.

17. In another judgment reported as *Khuman Singh v. State of M.P.* [*Khuman Singh v. State of M.P.*, (2020) 18 SCC 763 : 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**



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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."

18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.

19. This Court in a judgment reported as *Subhash Kashinath Mahajan v. State of Maharashtra* [*Subhash Kashinath Mahajan v. State of Maharashtra*, (2018) 6 SCC 454: (2018) 3 SCC (Cri) 124] issued certain directions in respect of investigations required to be conducted under the Act. In a review filed by the Union against the said judgment, this Court in a judgment reported as *Union of India v. State of Maharashtra* [*Union of India v. State of Maharashtra*, (2020) 4 SCC 761: (2020) 2 SCC (Cri) 686] reviewed the directions issued by this Court and held that if there is a false and unsubstantiated FIR, the proceedings under Section 482 of the Code can be invoked. The Court held as



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under: (*Union of India case [Union of India v. State of Maharashtra, (2020) 4 SCC 761: (2020) 2 SCC (Cri) 686], SCC p. 797, para 52)*

"52. There is no presumption that the members of the Scheduled Castes and Scheduled Tribes may misuse the provisions of law as a class and it is not resorted to by the members of the upper castes or the members of the elite class. For lodging a false report, it cannot be said that the caste of a person is the cause. It is due to the human failing and not due to the caste factor. Caste is not attributable to such an act. On the other hand, members of the Scheduled Castes and Scheduled Tribes due to backwardness hardly muster the courage to lodge even a first information report, much less, a false one. In case it is found to be false/unsubstantiated, it may be due to the faulty investigation or for other various reasons including human failings irrespective of caste factor. There may be certain cases which may be false that can be a ground for interference by the Court, but the law cannot be changed due to such misuse. In such a situation, it can be taken care of in proceeding under Section 482 CrPC."

20. Later, while examining the constitutionality of the provisions of the amending Act (Central Act 27 of 2018), this Court in a judgment reported as *Prathvi Raj Chauhan v. Union of India* [*Prathvi Raj Chauhan v. Union of India, (2020) 4 SCC 727: (2020) 2 SCC (Cri) 657*] held that proceedings can be quashed under Section 482 of the Code. It was held as under: (SCC p. 751, para 12)

"12. The Court can, in exceptional cases, exercise power under Section 482 CrPC for quashing the cases to prevent misuse of provisions on settled parameters, as already observed while deciding the review petitions. The legal position is clear, and no argument to the contrary has been raised."

21. In *Gorige Pentaiah* [*Gorige Pentaiah v. State of A.P., (2008) 12 SCC 531 : (2009) 1 SCC (Cri) 446*] , **one of the arguments raised was non-disclosure of the caste of the accused but the facts were almost similar as there was civil dispute between parties**



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pending and the allegation was that the accused has called abuses in the name of the caste of the victim. The High Court herein has misread the judgment of this Court in *Ashabai Machindra Adhagale* [*Ashabai Machindra Adhagale v. State of Maharashtra*, (2009) 3 SCC 789 : (2009) 2 SCC (Cri) 20] as it was not a case about the caste of the victim but the fact that the accused was belonging to upper caste was not mentioned in the FIR. The High Court of Bombay had quashed the proceedings for the reason that the caste of the accused was not mentioned in the FIR, therefore, the offence under Section 3(1)(xi) of the Act is not made out. In an appeal against the decision of the Bombay High Court, this Court held that this will be the matter of investigation as to whether the accused either belongs to or does not belong to Scheduled Caste or Scheduled Tribe. Therefore, the High Court erred in law to dismiss the quashing petition relying upon later larger Bench judgment.

22. The appellant had sought quashing of the charge-sheet on the ground that the allegation does not make out an offence under the Act against the appellant merely because Respondent 2 was a Scheduled Caste since the property dispute was not on account of the fact that Respondent 2 was a Scheduled Caste. The property disputes between a vulnerable section of the society and a person of upper caste will not disclose any offence under the Act unless, the allegations are on account of the victim being a Scheduled Caste. Still further, the finding that the appellant was aware of the caste of the informant is wholly inconsequential as the knowledge does not bar any person to protect his rights by way of a procedure established by law.

23. This Court in a judgment reported as *Ishwar Pratap Singh v. State of U.P.* [*Ishwar Pratap Singh v. State of U.P.*, (2018) 13 SCC 612 : (2018) 3 SCC (Cri) 818] held that there is no prohibition under the law for



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quashing the charge-sheet in part. In a petition filed under Section 482 of the Code, **the High Court is required to examine as to whether its intervention is required for prevention of abuse of process of law or otherwise to secure the ends of justice.** The Court held as under : (SCC p. 618, para 9)

"9. Having regard to the settled legal position on external interference in investigation and the specific facts of this case, we are of the view that the High Court ought to have exercised its jurisdiction under Section 482 CrPC to secure the ends of justice. There is no prohibition under law for quashing a charge-sheet in part. A person may be accused of several offences under different penal statutes, as in the instant case. He could be aggrieved of prosecution only on a particular charge or charges, on any ground available to him in law. Under Section 482, all that the High Court is required to examine is whether its intervention is required for implementing orders under the Criminal Procedure Code or for prevention of abuse of process, or otherwise to secure the ends of justice. A charge-sheet filed at the dictate of somebody other than the police would amount to abuse of the process of law and hence the High Court ought to have exercised its inherent powers under Section 482 to the extent of the abuse. There is no requirement that the charge-sheet has to be quashed as a whole and not in part. Accordingly, this appeal is allowed. The supplementary report filed by the police, at the direction of the Commission, is quashed."

24. In view of the above facts, we find that the charges against the appellant under Section 3(1)(r) of the Act are not made out. Consequently, the charge-sheet to that extent is quashed. The appeal is disposed of in the above terms.""

(Emphasis supplied)



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11.2. In the latest judgment of the Apex Court rendered in the case of **GUNJAN ALIAS GIRIJA KUMARI AND OTHERS v. STATE (NCT OF DELHI) AND ANOTHER** reported in **2026 SCC OnLine SC 834**, has held as follows:

"5.1 Sections 3(1)(r) and 3(1)(s) of the SC/ST Act read as under,

"3. Punishments for offences atrocities.— 3(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) to (q)

(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;

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

5.1.1 The offence under Section 3(1)(r) of the SC/ST Act can be said to have been committed when a person not belonging to Scheduled Caste or Scheduled Tribe intentionally insults or intimidates with an intent to humiliate a person belonging to Scheduled Caste or Scheduled Tribe in any place within public view. Offence under Section 3(1)(s) of the SC/ST Act is made out when any member of the Scheduled Caste or Scheduled Tribe is abused by caste name in any place within public view.

5.2 The ingredients of the offences are that there has to be an intentional insult or intimidation which has to be with an intent to humiliate a member of Scheduled Caste or Scheduled Tribe or that such member of Scheduled Caste or Scheduled Tribe is abused by caste name by a person who does not belong to Scheduled Caste or Scheduled Tribe. The



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common essential for constituting the offence under both the Sections is that the insult or intimidation under sub-clause (r) or hurling of abuses under sub-clause (s) have taken place "in any place within public view".

5.3 All the appellants are framed for the offence under Section 506 read with Section 34, IPC. Section 506, IPC is about punishment for the offence of criminal intimidation whereas the offence of criminal intimidation is defined in Section 503, IPC. It says that whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, and when the same is done with an intent to cause alarm to that person, commits criminal intimidation. Section 34, IPC speaks about the acts done by several persons in furtherance of common intention.

5.4 Before examining the sustainability of the charge framed and the charge-sheet for its details and contents in respect of the aforesaid offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, it would be useful to survey few decisions of this Court which have explained the scope and purport of the phrase "in any place within public view" pinpointing that the said requirement is indispensable to be fulfilled in order that the offence under the SC/ST Act is constituted.

5.5 In *Swaran Singh v. State through Standing Counsel*², the place where the informant was insulted by the appellant by calling him '*chamar*' was one where he had been standing near the car which was parked at the gate of the premises of his employer. This Court held that such place was "a place within public view". The argument that the alleged act was not committed in a public place and hence did not come within the purview of the offence under the SC/ST Act was negated by explaining a fine distinction between the expression 'in any place within public view' as used in the provision and the expression 'public place'.

5.5.1 It was stated that the expression 'a place within public view' could not be confused with the expression 'public place'. It was highlighted that a



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place can be a private place yet can be within public view,

"....It could have been a different matter had the alleged offence been **committed inside a building, and also was not in the public view.** However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view...."

(Para 28)

5.6 Swaran Singh (supra) came to be relied on by this Court in *Hitesh Verma v. State of Uttarakhand*⁸ in respect of the concept of 'place within public view' as an ingredient of the offence. The very observations in *Swaran Singh* (supra) were reiterated in paragraph 14 in *Hitesh Verma* (supra) when the Court noticed the allegations in the FIR about abusing the informant. **It was stated in the FIR that the incident of abuse happened within the four walls of the building of the informant, and it was not the case of the informant that any member of the public was present at the time of the incident in the house. The Court, therefore, ruled that the basic requirement that the abusive words were uttered in 'a place within public view' was not made out.** It was further noticed that witnesses whose names were appended to the chargesheet were not the persons present within the four walls of the building.

5.7 In a more recent decision in *Karuppudayar v. State represented by the Deputy Superintendent of Police, Lalgudi Trichy*⁹, this Court considered its own decisions in *Swaran Singh* (supra) as well as *Hitesh Verma* (supra), and elucidated an ironed-out proposition of law as under,



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"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."

(Para 11)

5.7.1 The Court observed that even by taking the allegations in the FIR at their face value, what was alleged was that when the complainant was in the office, the accused came there, made inquiries from the complainant and upon not being satisfied, started abusing the complainant in the name of his caste and insulted him. Thereafter, three colleagues of the complainant came later to pacify the accused and took him away. The Court thus noticed that the incident had taken place within the four corners of the chambers of the complainant, which was not "a place within public view".

5.8 A decision of the Karnataka High Court in *Sri Rithesh Pais v. State of Karnataka, by Puttur Town P.S.*¹⁰ may also be noticed to be relevant, in which the offence was held to be not made out as the chargesheet material showed that the hurling of the abuses had happened in the basement and within the walls of the basement, holding that the basement of the building was not "a place within public view".

5.9 A conclusive statement of law that emanates from the *ratio* of the decisions of this Court discussed above is that in order to make out the offence under Section 3(1)(r) and/or Section 3(1)(s) of the SC/ST Act, the occurrence of the incident and the act and conduct of hurling of caste-based abuses must take place at "a place within public view". It must be a place within the public gaze. Even happens to be a private place, then in such eventuality a public-eye must have an access to be able to notice what happens there or what is taking place that will only make the "place within public view".



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6. Having appreciated the aspect that the requirement that the occurrence of the incident of insult or abuse, towards the member of the Scheduled Caste or Scheduled Tribe has to be in "a place within public view", making the same a necessary condition for constituting the offence under the SC/ST Act, the facts in the present case may be attentively noticed.

6.1 In the FIR, while referring to the incident of abuse, on 28.01.2021, the statements were made by respondent No. 2-complainant that the appellants were in the habit of harassing and hurling caste-based slurs at him for over a year and that they used to do it when some other persons or friends come to meet him, by using the abusive words from their balcony or at the ground floor of the house.

6.2 These allegations about the alleged continuous conduct did not speak of any specific instance or happening on a particular day and they are too irrelevant to contribute to make out an offence under Section 3(1)(r) or Section 3(1)(s) of the SC/ST Act. It was next stated that because of such behaviour of the appellants, respondent No. 1-complainant had to send his son in a separate house. Such general accusations lead nowhere when it comes to allegation about the commission of offence.

6.3 As per the averments in the FIR, on the relevant date that is on 28.01.2021, the altercation occurred at the time when the appellants were trying to break open the house of respondent No. 2-complainant. According to respondent No. 2-complainant, appellant No. 1 hurled casteist slur in an abusive way to insult him and his wife. All the appellants-accused, it was further alleged, intimidated respondent No. 2-complainant and also threatened to implicate him in molestation charge.

6.4 It was noticeable that in the complaint/FIR, nowhere it was stated that the said incident wherein appellant No. 1 and other appellants are stated to have abused and threatened respondent No. 1-complainant, took place where there was a public gaze. The necessary ingredient of occurrence of the



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incident "in a place within public view" was conspicuously absent.

6.5 Not only that it was not stated that it was "a place within public view" or that the outsiders or the members of the family were present at the time, the details mentioned in the FIR clearly indicated that the place of occurrence of the incident was inside the residential house. Referring to the facts stated and the contents of FIR in this regard, firstly the FIR is silent about the place of occurrence of the alleged incident. Secondly, point No. 5(b) in the FIR mentioned the place of occurrence at the address stated as "7/38, Ramesh Nagar, New Delhi", which was admittedly a residential home. Similarly was recorded the address of respondent No. 2-complainant in point No. 6(e) in the FIR to reinforce that it was the place of residential house where the occurrence took place. Thirdly, in the charge-sheet filed before the court, the very residential address "7/38, Ramesh Nagar, Kirti Nagar, Delhi" was mentioned to suggest the place of occurrence.

6.6 Respondent No. 2-complainant named two witnesses, one Love Manchanda and another named Chandra Prakash. Not only that both were the friends of respondent No. 2-complainant, from their statements, nothing could be elicited to show that they witnessed the incident. Love Manchanda stated that "on 28.12.2020, Bhim Sain (complainant) asked me to accompany him to his house where he wanted to take a picture of the locked lock of his house". In his statement, Chandra Prakash stated that "he went to the house at Ramesh Nagar with the complainant Bhim Sain and when he wanted to open the lock of his house, the accused interjected".

6.7 All material facts go to suggest that the alleged incident took place in a private place and within four walls of the house of respondent No. 2-complainant and the appellants, who all are family members. While the allegation in the FIR was, as stated, that respondent No. 2-complainant had been suffering similar kind of incidents since long and for last one year, it was not stated anything



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specific in respect of those earlier incidents with regard to the incident for which the complaint was filed, it was not indicated that any independent member of public was present to witness the occurrence. Once that is so, to suggest that the house place was not exposed to public eye or public gaze, a residential house in no way becomes "a place within public view".

7. For any criminal proceedings to initiate, the starting point is filing of a complaint and registration of FIR. The complaint/FIR provides the first account of the happening of events and incidents alleged as commission of offence. A reaction and revelation at the first blush is always natural and therefore becomes creditworthy. The contents of the complaint giving the initial and primary description could be treated as more reliable, for, at the subsequent stage, there would be a scope and room for improvisation.

8. In *State of Haryana v. Bhajan Lal*¹¹, this Court laid down the acid test that if the contents of the FIR, taken at their face value, do not make out any case against the accused, such an FIR registered with ulterior motive deserves to be quashed. In *Hitesh Verma (supra)*, in addition to the ingredient of "a place within public view", the details in the FIR or the charge-sheet failed to disclose the precise contents of abusive language employed by the applicant to attract the offence under the SC/ST Act. In other words, when the essentials to constitute the offence did not come out from and were not satisfied in the contents of the FIR, the offence was held to have not been made out, rendering the FIR liable to be quashed.

8.1 In *Amar Nath Jha v. Nand Kishore Singh*¹², this Court noted that the defect in the FIR was in the nature



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of non-mentioning of the name of material witness PW-1 which was treated as a basic defect in the hypothesis portrayed by the prosecution. The Court, in that context, observed, "although we accept that the FIR need not be an encyclopaedia of the crime, but absence of certain essential facts which are conspicuously missing in the present FIR, point towards suspicion that the crime itself may have been staged".

8.2 Also in Ramesh Chandra Vaishya v. State of Uttar Pradesh¹³, this Court found absence of requisite ingredients of the offence under the SC/ST Act holding that the offence was not committed at "a place within public view". It was observed that even though the appellant in that case might have abused the complainant, but such abuse by itself and without anything more does not warrant subjecting the appellant to face a trial, particularly in view of the clear absence of the ingredients necessary to constitute the offence.

9. Thus, it is trite principle that the FIR becomes liable in law to be quashed when it, in its bare reading, does not disclose the necessary ingredients to constitute the offence alleged therein. The basic constituents of the offence alleged in the FIR must stem and stand disclosed from the contents of the FIR. In order that the FIR alleging any action is sustainable in law to be a good and acceptable document to proceed criminally against any accused named therein or any person to be made accused on its basis, it must manifest and reveal basic ingredient of the offence(s) alleged therein. For an offence to be made out under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, as is the question in the instant case, the requirement that the occurrence has to



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be “in a place within public view” is not satisfied, is missing and absent.

9.1 It could be said that the occurrence of the incident to become an offence under the SC/ST Act must have happened “in a place within public view”, is in a way, a principal requirement amongst the other ingredients. The other aspects namely “intentional insult or intimidation” and “an intent to humiliate”, gathers a kind of intensity when the insult, intimidation, humiliation or abusive utterances, as the case may be, takes place in “a place within public view”, in the presence of members of the public. The requirement that the place must be one “within public view” can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a sine qua non for making out the offence under the SC/ST Act.

10. This leaves the Court to the charge framed under Section 506 read with Section 34, IPC against all the appellants. As noted hereinabove, the offence of criminal intimidation as defined under Section 503, IPC and made punishable under Section 506, IPC requires that whoever threatens another with any injury to his person, reputation or property and when such threat is with the intent to cause alarm to that person, commits criminal intimidation. The “intent to cause alarm” is an pivotal aspect and consideration to judge whether the offence of criminal intimidation is made out or not.

10.1 In the present case, even after closely reading the averments in the complaint, it is difficult to come to the conclusion that the appellants-accused exerted threat with an intent to cause “alarm” to respondent No. 2-complainant. The submission could be countenanced that the



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element of “alarm” to the complainant was “absent”. Even otherwise, the offence under Section 506, IPC was alleged against the appellants to conjunct the same with the offence alleged under the SC/ST Act which are not made out.

10.2 As far as the charge under Section 34, IPC is concerned, nothing is suggested either from the facts or attendant circumstances that the appellants-accused had any common intention to do a criminal act and that they acted in furtherance of such common intention. In that view, it would be an abuse of the process of law and would amount to harassment to the appellants to subject them to the criminal proceedings in relation to Section 506 read with Section 34, IPC.”

(Emphasis supplied)

What remains are the offences punishable under Sections 351, 352, 127(2) and 190 of the BNS, which were Sections 504, 506, 342 and 149 of the IPC, the earlier regime.

12. The ingredients of the offences punishable under Sections 504 and 506 of the IPC, is found in Section 503 of the IPC. The interpretation of what should be the ingredients of the said offences need not detain this Court for long or delve deep into the matter. The Apex Court in the case of **MOHAMMAD WAJID AND ANOTHER v. STATE OF U.P.**



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reported in **2023 SCC OnLine SC 951** considering the very offences has held as follows:

"SECTIONS 503, 504 AND 506 OF THE IPC

24. Chapter XXII of the IPC relates to Criminal Intimidation, Insult and Annoyance. Section 503 reads thus:—

"Section 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.

Illustration

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation."

25. Section 504 reads thus:—

"Section 504. Intentional insult with intent to provoke breach of the peace.—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."

26. Section 506 reads thus:—



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"Section 506. Punishment for criminal intimidation.—Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc.—And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

27. An offence under Section 503 has following essentials:—

1) Threatening a person with any injury;

- (i) to his person, reputation or property; or**
- (ii) to the person, or reputation of any one in whom that person is interested.**

2) The threat must be with intent;

- (i) to cause alarm to that person; or**
- (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or**
- (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.**

28. Section 504 of the IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section.



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But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the Section merely because the insulted person did not actually break the peace or commit any offence having exercised self control or having been subjected to abject terror by the offender. In judging whether particular abusive language is attracted by Section 504, IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

29. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace or of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant. In *King Emperor v. Chunnibhai Dayabhai*, (1902) 4 Bom LR 78, a Division Bench of the Bombay High Court pointed out that:—



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"To constitute an offence under Section 504, I.P.C. it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."

(Emphasis supplied)

30. A bare perusal of Section 506 of the IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

31. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 of the IPC may probably could be said to have been disclosed but not under Section 504 of the IPC. The allegations with respect to the offence punishable under Section 504 of the IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR. One of the essential elements, as discussed above, constituting an offence under Section 504 of the IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present."

(Emphasis supplied)

If the elucidation of the law laid down by the Apex Court in the afore-quoted judgments is pitted against the facts



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obtaining in the case at hand, none of the offences are made out and the proceedings are initiated in gross misuse of the provisions of the Act and the BNS, 2023. The unmistakable inference that could be drawn is the obliteration of the crime registered against these petitioners, failing which, it would run foul of the afore-quoted judgments, become an abuse of process of law and result in miscarriage of justice.

13. For the aforesaid reasons, the following:

ORDER

- a. The criminal petitions stand allowed.
- b. The Crime No.39/2025, now pending before the IV Additional District and Sessions Judge, Shivamogga (sitting at Bhadravathi), *qua* the petitioners, stand quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

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