



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 13.07.2026

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+ CRL.M.C. 2555/2012

CHRISTINE SWAROOP RAJ & ORS.

.....Petitioners

Through: Ms. Rebecca M. John, Sr. Adv. with
Mr. Pravir Singh, Adv.

versus

STATE & ORS.

.....Respondents

Through: Mr. Digam Singh Dagar, APP

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973 has been preferred assailing the order dated 22.03.2012 passed by the learned Additional Sessions Judge-02 (South), Saket Courts, New Delhi in **Sessions Case No. 42/2011**, whereby charges were directed to be framed against the petitioners for the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

FACTUAL MATRIX

3. Petitioner No.1 was serving as the Administrative and Human Resources Director, Petitioner No.2 as the Chief Executive Officer, Petitioner



No.3 as the Supervisor and Petitioner No.4 as the Technical Director of Trans World Radio India. Respondent Nos.2 to 6/complainants were employed with the said organisation as *safai karamcharis*.

4. The record reflects that disciplinary proceedings were initiated against respondent No.2 (Ram Babu) on 17.12.2007 on allegations of misconduct arising out of an incident dated 23.10.2007. The enquiry culminated in a finding against him, pursuant to which he was dismissed from service by order dated 25.04.2008.

5. Prior to the order of dismissal, the complainants submitted complaints dated 10.01.2008 and 15.02.2008 before the SHO, Police Station Hauz Khas and other authorities, alleging that they were being subjected to pressure to convert to Christianity, were threatened with termination from service and were being discriminated against by the management of Trans World Radio India.

6. Thereafter, on 29.02.2008, the complainants instituted a complaint under Section 200 of the Code of Criminal Procedure, 1973 before the learned Chief Metropolitan Magistrate alleging, inter alia, that the petitioners had intentionally insulted and humiliated them by addressing them with caste-based abuses, including the expressions '*Bhan***' and '*Cham***', on different occasions during the months of June, August and October, 2007 and on 15.01.2008.

7. During the course of enquiry, the police submitted a report dated 27.05.2008 wherein it was observed that the allegations levelled by the complainants were not substantiated during the enquiry. The report also noted that the earlier complaints addressed to the police primarily contained allegations relating to religious conversion and discrimination and did not specifically refer to any caste-based remarks. Statements of certain other



employees of the organisation were also recorded, who stated that they had not been subjected to any pressure for religious conversion or similar treatment.

8. Upon consideration of the material placed before it, the learned Additional Sessions Judge, by the impugned order dated 22.03.2012, found that a prima facie case was made out and directed framing of charge against the petitioners for the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The relevant extracts of the impugned judgment are reproduced hereinbelow:

“Heard.

*In their complaint dated 29.02.2008 and in the pre-summoning evidence, recorded on 05.05.2008, the complainants disclosed that in **June 2007**, accused No. 2 made casteist remarks to complainant No. 1 in her office.*

*Further, in **August 2007**, accused No. 3 is alleged to have made caste remarks to complainant No. 2 again in her office. In **October 2007**, accused No. 4 allegedly made caste remarks to complainant No. 1 yet again, in his office. Thus, the caste remarks, admittedly, were made in the office of the accused persons.*

Now, the question is if such remarks were ever made by the respondents in their office as alleged and secondly, if such remarks were made in public view or not?

Qua the fact that if remarks were ever made, the learned counsel for the accused persons refers to various complaints of the complainants, which they had filed before different authorities prior to the filing of the present complaint, wherein there is no mention of the caste remarks and hence, he submits that such remarks were never made.

However, I am not inclined to accept this argument at this stage where only a prima facie view has to be



taken. Admittedly, the complaint filed before this Court contains the alleged caste remarks made by the accused persons at one time or the other. Simply because such remarks were not mentioned by the complainants in their earlier complaints would not be sufficient to disbelieve the complainants, who admittedly belong to the poorer section of society. To do so would be acting too technically. At least, the Court needs to give the complainants an opportunity to explain the circumstances in which the earlier complaints were made or why such remarks did not form part of those complaints.

Qua the second query, whether such remarks were made in public view, I would like to refer to **Daya Bhatnagar & Ors. v. State, 2004 (2) JCC 1136**, wherein it was held that:

"The expression 'public view' is used in contradistinction to the expression 'private view'. The view means right of vision and hearing. Public means everybody of the public at large, i.e., the community at large, including inhabitants of a proper place and the people of the neighbourhood. However, the persons having relationship or association with the complainant are to be excluded. 'Public view' means within the view which includes hearing, knowledge or accessibility also of a group of people of the place/locality/village as distinct from a few who are not private and are as good as strangers and not linked with the complainant through a close relationship or business/commercial or other vested interest, and who are not participating members with him in any way."

Though, the learned counsel for the accused referred to **Swaran Singh & Ors. v. State through Standing Counsel & Anr., (2008) 4 SCC 2297**, wherein it was observed that:

"Use of offensive words in a place not in public view or in a place where any member of the public was not present or where the place in which the accused



uttered the words ordinarily could not be seen by the public, no prima facie case for the offence alleged would be made out."

*However, the learned counsel for the complainants also relied upon **Swaran Singh (supra)** to contend that at the stage of framing of charge, only the allegations in the complaint/FIR are required to be considered.*

*Further, reliance was placed on **Ghasi Ram v. NCT of Delhi**, decided on **16.08.2007** by the Hon'ble High Court of Delhi, wherein it was held:*

"The question is whether the facts of this case justify the impugned order that no charges could be framed. Daya Bhatnagar is no doubt an authority as to what constitutes 'public view'. Yet, there cannot be a blind application of the ratio in that case. Here, the complainant had alleged humiliation by the accused. Whether it was in public view or not is a matter of evidence. There is nothing on record suggestive of any commercial or family relationship of the complainant with the witnesses; indeed it is unknown whether they or any of them work as his subordinates. Besides, the expression used is, significantly enough, 'public view' and not 'public place'. In order to attract the offence, the act should have been done by the accused in any place within the public view and it is not necessary that such place should be a public place. It can even be a place which is not a public place but which would be within the public view. Parliament evidently kept this significant distinction in mind.

In my view, the opinion formed by the trial court that charges ought not to be framed is premised on an unduly narrow interpretation of Daya Bhatnagar's judgment. At the stage of pre-charge evidence, there was nothing on record to show that the two witnesses had such close nexus or proximity with the complainant so as to be ruled out of the expression 'public view'. Mere employment in the same office does not disqualify a co-employee from deposing



*about the veracity or otherwise of the alleged incidents which constitute offences under the Act." Thus, at the stage of charge, where only a prima facie view is to be formed, the question whether the complainants were actually harassed in their office premises or whether such caste remarks were ever made cannot be decided at this stage. The allegations, prima facie, suggest framing of charge under **Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act** against respondent Nos. 1 to 4."*

9. Aggrieved by the aforesaid order, the petitioners have invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 contending that the essential ingredients of the offence under Section 3(1)(x) of the Act are not disclosed from the material collected during investigation and that the order directing framing of charge is liable to be set aside.

SUBMISSIONS ON BEHALF OF THE PETITIONERS

10. Learned Senior Counsel appearing for the petitioners submits that the petitioners were members of the management of Trans World Radio, whereas respondent Nos. 2 to 6 were employed with the said organisation. She contends that the impugned order dated 22.03.2012, whereby charges have been framed against the petitioners under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is legally unsustainable as no prima facie case is made out against the petitioners and the essential ingredients of the alleged offence are conspicuously absent.

11. Learned Senior Counsel submits that disciplinary proceedings had been initiated against respondent No. 2, Ram Babu, on allegations of misconduct much prior to the filing of the present complaint. The enquiry culminated in a



finding of guilt against respondent No. 2, who was thereafter dismissed from service. She contends that the complaint in the present case is a counterblast to the disciplinary proceedings initiated against respondent No. 2.

12. She further submits that the respondents had initially lodged complaints dated 10.01.2008 and 15.02.2008 before the SHO, Police Station Hauz Khas, alleging that they were being compelled to convert to Christianity and were being subjected to discrimination. Similar allegations were also made in the complaint addressed to the National Commission for Scheduled Castes and Scheduled Tribes. However, none of these complaints contained any allegation regarding the use of caste-based abuses or the commission of an offence under Section 3(1)(x) of the Act.

13. It is her submission that it was only in the subsequent complaint dated 29.02.2008 filed before the learned Chief Metropolitan Magistrate that allegations regarding caste-based remarks were introduced for the first time, and the said allegations ultimately formed the basis for framing of charges against the petitioners.

14. Learned Senior Counsel further submits that the enquiry report dated 24.03.2008 recorded findings against respondent No. 2 with regard to acts of insubordination, indiscipline, quarrelling with colleagues, tampering with the employer's property, refusal to accept official communications and making false complaints against the management.

15. She further contends that the status reports submitted by the SHO, Police Station Hauz Khas, dated 03.03.2008 and 28.05.2008, did not substantiate the allegations levelled by the respondents. She submits that a bare reading of the statements of the respondents recorded during investigation would also demonstrate that none of the allegations satisfy the ingredients of Section 3(1)(x) of the Act.



16. Learned Senior Counsel argues that even if the allegations contained in the complaint are accepted at their face value, no offence under Section 3(1)(x) of the Act is made out. She submits that the complaint itself indicates that the alleged caste-based remarks were made inside the respective offices of the petitioners during private conversations and, therefore, the requirement that the alleged insult or intimidation must have taken place "within public view" is not fulfilled.

17. In support of the aforesaid submission, reliance is placed upon the decision of this Court in **Daya Bhatnagar & Ors. v. State, 109 (2004) DLT 915**, to contend that the expression "public view" necessarily requires the presence of members of the public, however few, who are independent of the parties concerned.

18. She further places reliance upon the judgment of the Supreme Court in **Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710**, to contend that where the alleged incident takes place within the four walls of a building and no member of the public is stated to be present, the essential ingredient of "public view" is not attracted. It is submitted that the impugned order itself records that the alleged caste remarks were made inside the offices of the petitioners and, therefore, even on the prosecution's own case, the statutory requirement is not satisfied.

19. Learned Senior Counsel further contends that the earliest version of the complainants assumes considerable significance. She submits that the complaints dated 10.01.2008 and 15.02.2008, which preceded the complaint dated 29.02.2008, do not contain any allegation of caste-based abuses. According to her, the allegations under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act were introduced subsequently only to fill up lacunae in the earlier version. Reliance is placed



upon the decision of this Court in ***Asha Aggarwal v. State, 2014 SCC OnLine Del 1281***, to contend that subsequent improvements in the prosecution case are impermissible.

20. She further submits that the allegations made by the respondents are inherently improbable. In this regard, she points out that other employees of the organisation categorically informed the investigating agency that they had never been subjected to any pressure to convert to Christianity, thereby rendering the respondents' allegations doubtful.

21. It is further submitted that the learned Trial Court failed to apply the settled principles governing framing of charge. Learned Senior Counsel argues that where two views are possible and the material raises only a suspicion and not a grave suspicion against the accused, the Court ought to discharge the accused rather than frame charges. Reliance is placed upon the judgment of the Supreme Court in ***Dilawar Balu Kurane v. State of Maharashtra, (2002) 2 SCC 135***.

22. Learned Senior Counsel for the petitioners has further contended that the complaint is not maintainable as it combines distinct incidents involving different complainants and different accused persons, and that a common complaint/common charge is impermissible in law. Reliance has been placed on ***Anju Chaudhary v. State of U.P., (2013) 6 SCC 384***.

23. She submits that although the learned Trial Court itself noticed exaggerations, contradictions and improvements in the version of the complainants, it nevertheless proceeded to frame charges on the premise that the complainants should be afforded an opportunity to explain such discrepancies during trial. According to her, such an approach is contrary to the settled principles governing the stage of framing of charge.



24. Lastly, learned Senior Counsel submits that the learned Trial Court failed to accord due weight to the status reports filed by the police, which, according to her, categorically found the allegations against the petitioners to be unsubstantiated. She contends that in the facts and circumstances of the present case, continuation of the criminal proceedings would amount to an abuse of the process of law and, therefore, the impugned order framing charges deserves to be set aside.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

25. *Per Contra*, learned APP submits that, at the stage of framing of charge, the Court is only required to examine whether a prima facie case is made out. He contends that the question whether the alleged caste-based remarks were made within '*public view*' is a matter of trial. He further submits that the earlier complaints and other material on record are matters of evidence and can be appreciated only after the parties have led evidence before the learned Trial Court.

26. The written submissions filed by Respondent Nos. 2 to 6 are on record. The same are briefly summarised as under

- i. *It is stated in the written submissions that the police failed to take action against the petitioners due to their influence, leaving the respondents, who belong to the Scheduled Caste community, with no option but to file an application under Section 156(3) Cr.P.C. It is stated that, after dismissal of the said application, the learned Magistrate examined the respondents under Sections 200 and 202 Cr.P.C. and summoned the petitioners for the offence under Section 3 of the SC/ST Act, and thereafter charges under Section 3(1)(x) of the SC/ST Act were framed on 22.03.2012.*
- ii. *It is further stated that the petitioners repeatedly pressurized the respondents, who were permanent safai-karmacharis, to convert to Christianity and, upon their refusal, subjected them to*



discrimination, caste-based atrocities and ultimately terminated their services while withholding their salary, gratuity, provident fund and other service benefits. It is also stated that the respondents were compelled to attend Bible camps and threatened with adverse consequences if they refused to do so.

- iii. It is stated that the complaint dated 29.02.2008 did not seek prosecution only under the SC/ST Act but prayed for appropriate action in accordance with law. It is further stated that the complaint contains allegations attracting not only Section 3(1)(x) of the SC/ST Act but also offences punishable under Sections 153A, 295A, 298, 341, 342, 506 and 34 IPC. Reliance is also placed on the observations of the Supreme Court in Ashwini Kumar Upadhyay v. Union of India & Ors. regarding the seriousness of forced religious conversion.*
- iv. It is lastly stated that, at the stage of framing of charge, the High Court should not undertake a detailed appreciation of evidence. It is submitted that even if the offence under the SC/ST Act is not made out, the allegations disclose commission of offences under the IPC. Accordingly, it is prayed that the petition be dismissed or, alternatively, that the charges be altered and appropriate charges under the IPC be framed by invoking the powers under Sections 216, 221 and 482 Cr.P.C.*

ANALYSIS AND FINDINGS

27. I have heard the learned counsel for the petitioners, learned APP and considered the written submissions which are on the record.

28. The principal question that arises for consideration is whether the learned Trial Court was justified in framing charge against the petitioners under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

29. Learned Senior Counsel for the petitioners has submitted that the subsequent complaint contains material improvements over the earlier complaints. This Court refrains from examining the said submission, as



questions relating to omissions, improvements and inconsistencies are matters for appreciation of evidence during trial.

30. At the outset, this Court considers it appropriate to examine the complaint dated 29.02.2008 filed before the learned Metropolitan Magistrate, as it is this complaint which formed the basis for the framing of charge under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. A perusal thereof reveals that the complainants have narrated distinct incidents allegedly occurring on different dates and have specifically attributed caste-based remarks to the petitioners. Relevant portion of the said complaint is reproduced hereinunder:

*“9. That in the month of August 2007 accused no. 3 told the complainant no. 2 to convey to the complainants that hereafter they will have to take their meals by sitting near to the toilet and when the complainant no. 2 requested to know the reason, the accused no. 3 got infuriated and uttered that **"TUM LOG B [REDACTED] GI HO AUR TUMEH TOILET KE PAAS HI BAITH KAR KHANA PAREGA AUR AGAR TUM AISA NAHIN KAROGE TO TUMEH NAUKRI SE NIKAL DIYA JAYEGA"**. Thereafter the accused persons are forced to sit near open toilet in foul smell and are compelled to take their meals there only. The complainants being four persons and to save their only source of livelihood are tolerating the same for months together.*

10. That in October 2007 the complainant no. 1 approached the accused no. 4 and apprised him about the mal-treatment and harassment to them and very humbly requested to request the management and specially the accused persons not to harass the complainants but to the utmost shock and surprise the accused No. 4 started abusing the complainants in very filthy language and said



"SAALE BAH [REDACTED] TERI HIMMAT KAISE HUYI MERE PAAS AANE KI. TUM SAB [REDACTED] E [REDACTED] N KO JUTE MAAR KAR BAHAR NIKALENGE".

11. That the complainants are being threatened to be removed from their services if they do not convert themselves to the Christians. (In order to pressurize and create terror among the complainants. The management of TWR-India levelled false allegations against complainant Ram babu for misbehaving with the seniors, and also not performing the duties properly. A false and frivolous inquiry was order to be conducted against complaint Rambabu.) The complainants are having apprehension that their services may be terminated any time since they refused to convert their religion from Hindu to Christian. The accused persons are addressing the complainants most of the times as "B [REDACTED] GI KA K [REDACTED] A".

12. That the complainants are being called in the office by the said accused persons and they made to sit for hours together and are being harassed and pressurized to convert their religion to Christianity against their wish. The complainants were being subjected to perform their duties all the 7 days in a week."

31. It would be apposite to refer to the relevant statutory provision. Since the alleged incidents pertain to the year 2007, the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as they stood prior to the Amendment Act, 2015, would govern the present case. It may be noted that the offence which was then contained in Section 3(1)(x) of the Act now substantially finds place in Sections 3(1)(r) and 3(1)(s) of the Act after the 2015 Amendment. However, as the present case relates to the pre-



amendment period, the unamended Section 3(1)(x) is applicable. The said provision reads as under:

"Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine."

32. A plain reading of the aforesaid provision makes it evident that, to constitute an offence under Section 3(1)(x) of the Act, the prosecution is required to prima facie establish the following ingredients: (i) the accused is not a member of a Scheduled Caste or Scheduled Tribe; (ii) the victim is a member of a Scheduled Caste or Scheduled Tribe; (iii) there is an intentional insult or intimidation with the intent to humiliate the victim on account of his or her caste; and (iv) such insult or intimidation takes place "in any place within public view." The requirement that the act must occur within public view is a statutory ingredient of the offence and cannot be dispensed with.

33. The expression '*in any place within public view*' occurring in Section 3(1)(x) of the Act has been the subject matter of judicial interpretation. This Court deems it appropriate to refer to the decision of the Supreme Court in **Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710**, wherein the Supreme Court, reiterated that the requirement of 'public view' is an essential ingredient of the offence and that mere use of caste-based remarks within the four walls of a building, in the absence of any member of the public, would not attract the provisions of Section 3(1)(x) of the Act. The relevant observations read as under:



“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 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 gaon sabha or an instrumentality of the State, and not by private persons or private bodies.”

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.”

34. The aforesaid principle was reiterated by the Supreme Court in **Ramesh Chandra Vaishya v. State of U.P.**, (2023) 17 SCC 615 wherein the Court, while considering the scope of Section 3(1)(x) of the Act, held as under:



“16. The first question that calls for an answer is whether it was at a place within public view that the appellant hurled caste related abuses at the complainant with an intent to insult or intimidate with an intent to humiliate him. From the charge-sheet dated 21-1-2016 filed by the IO, it appears that the prosecution would seek to rely on the evidence of three witnesses to drive home the charge against the appellant of committing offences under Sections 323 and 504IPC and Section 3(1)(x), SC/ST Act. These three witnesses are none other than the complainant, his wife and their son. Neither the first FIR nor the charge-sheet refers to the presence of a fifth individual (a member of the public) at the place of occurrence (apart from the appellant, the complainant, his wife and their son). Since the utterances, if any, made by the appellant were not “in any place within public view”, the basic ingredient for attracting Section 3(1)(x) of the SC/ST Act was missing/absent. We, therefore, hold that at the relevant point of time of the incident (of hurling of caste related abuse at the complainant by the appellant), no member of the public was present.

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25. Based on the facts and circumstances of the case, we have little hesitation in holding that even though the appellant 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 the clear absence of the ingredient of intentional insult of such a degree that it could provoke a person to break public peace or commit any other offence.

26. We record that the High Court misdirected itself in failing to appreciate the challenge to the criminal proceedings including the charge-sheet in the proper perspective and occasioned a grave failure of justice in rejecting such challenge.”



35. Thus, the Supreme Court has consistently held that the absence of the statutory requirement of ‘public view’ goes to the very root of the offence under Section 3(1)(x) and, where such ingredient is not disclosed from the complaint or the charge-sheet, continuation of the proceedings under the said provision cannot be sustained.

36. A plain reading of the complaint dated 29.02.2008 shows that the complaint itself alleges that the caste-based remarks were made inside the respective offices of the petitioners. Significantly, there is no averment that any member of the public or any independent person was present at the time of the alleged incidents. Consequently, the complaint, on its own showing, does not prima facie disclose that the alleged insult or intimidation occurred ‘*in any place within public view*’, which is an essential ingredient of the offence under Section 3(1)(x) of the Act.

37. It is a settled principle of law that, while considering the question of framing of charge, the Court is not expected to conduct a mini trial or appreciate the evidence as if deciding the case finally. The limited enquiry at this stage is whether the material collected during investigation, if taken at its face value, prima facie discloses the commission of the alleged offence. At the same time, the Court must satisfy itself that the essential ingredients of the offence are disclosed from the complaint and the material placed on record.

38. While disputed questions of fact are undoubtedly matters for trial, the Court is nevertheless required, at the stage of framing of charge, to satisfy itself that the basic ingredients of the alleged offence are disclosed from the complaint and the material placed on record. Where the foundational ingredients of the offence are absent from the complaint itself, an accused cannot be compelled to face trial for such offence.



39. Applying the aforesaid principles to the facts of the present case, this Court is of the considered opinion that even if the allegations contained in the complaint dated 29.02.2008 are accepted in their entirety, the essential statutory requirement that the alleged insult or intimidation should have taken place '*in any place within public view*' is not prima facie disclosed. Consequently, the charge framed against the petitioners under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 cannot be sustained.

CONCLUSION

40. Accordingly, the present petition is allowed. The impugned order dated 22.03.2012 passed by the learned Additional Sessions Judge-02 (South), Saket Courts, New Delhi in ***Sessions Case No. 42/2011*** is set aside to the extent it directs framing of charge against the petitioners under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

41. The matter is remanded to the learned Trial Court for considering, afresh and in accordance with law, the question of framing of charges, if any, under the provisions of the Indian Penal Code, 1860, including the submission regarding the maintainability of a common complaint. It is clarified that this Court has not expressed any opinion on the merits of the allegations insofar as the offences under the Indian Penal Code, 1860 are concerned, and the learned Trial Court shall decide the same independently and uninfluenced by any observations made in the present judgment.

42. The petitioners shall appear before the learned Trial Court on 13.08.2026.

43. The petition is disposed of in the above terms. Pending application(s), if any, also stand disposed of.



44. Copy of this order be communicated to the concerned learned Trial Court for necessary information and compliance.

**MADHU JAIN
(JUDGE)**

JULY 21, 2026/RM