



2025:AHC:165563

HIGH COURT OF JUDICATURE AT ALLAHABAD
APPLICATION U/S 482 No. - 31545 of 2024

Praveen Chetri

.....Applicant(s)

Versus

State of U.P. and
Another

.....Opposite Party(s)

Counsel for Applicant(s)	: Prashant Sharma, Surendra Pratap Singh
Counsel for Opposite Party(s)	: G.A.

Court No. - 85

AFR

Reserved on: 12.3.2025

Delivered on: 16.9.2025

HON'BLE VINOD DIWAKAR, J.

1. Heard Shri Prashant Sharma and Shri Surendra Pratap Singh, learned counsel for the petitioner, Shri Amrit Raj Chaurasiya, learned AGA for the State-respondents, and perused the material on record.

2. The instant application has been filed with the prayer to quash the entire criminal proceedings arising out of Case Crime No.108 of 2023, under Sections 420, 467, 468, 471 IPC read with Section 60/63 Excise Act, registered at P.S. Jaswant Nagar, District Etawah, as well as the impugned summoning/cognizance order dated 19.8.2023 along with charge-sheet dated 21.7.2023.

2.1 In the alternative, it is also prayed that the entire criminal proceedings in the aforesaid case be stayed, failing which the applicant shall suffer irreparable loss and injury.

3. The brief facts of the case are as follows:

3.1 On 29.04.2023, on the instructions of senior officers, the local police team started checking vehicles passing from the Jaunai Farm police post at District Etawah. While checking incoming and outgoing vehicles, a black Scorpio (Registration No.T-1223-JH-7384-D) was stopped, and three people were found sitting in the Scorpio. Upon inquiry, the person sitting in the driver's seat stated his name as Yadram, son of Ratanlal, resident of U-4, New Roshanpura, Najafgarh, Police Station, Najafgarh, District South-West, Delhi, ~~caste-Mali~~, aged approximately 35 years. During a personal search, a Redmi mobile phone, sky-blue in colour, was recovered from the right pocket of his trousers. The person sitting in the front passenger seat stated his name as Praveen Chhetri, son of Birendra Kumar, resident of House No.RZ 176A, New Dharmapura-1, Kakrola Road, Najafgarh, Police Station Najafgarh, District South-West, Delhi, aged about 29 years, ~~caste-Pahadi Rajput~~. Upon personal search, Rs.1,150/- and one Apple mobile phone, light sky-blue in colour, were recovered from the pocket of his trousers. The person sitting in the rear seat stated his name as Deepak Kumar Singh, son of Santosh Kumar Singh, resident of Kulharia, Police Station Karakat (Godari), District Rohtas, State Bihar, aged approximately 29 years, belonging to the ~~caste- Thakur~~. Upon personal search, Rs.550/- and an Oppo mobile phone, grey in colour, were recovered from the pocket of his trousers.

3.2 On searching the Scorpio, 70 bottles of "ROYAL CHALLENGE CLASSIC PREMIUM WHISKY – FOR SALE IN HARYANA ONLY" and 36 bottles of "ROYAL STAGE PREMIUM WHISKY – FOR SALE IN HARYANA ONLY – 42.8% V/V NET Qty 750 ml" were recovered from the rear boot of the car along with two number plates marked "T1222 JH 7384D". The number plate affixed to this vehicle was also found to be fake, and the actual number plate was kept in the boot.

3.3 Upon being strictly questioned, the three persons revealed that their other associates were following behind in an Accent car No.HR-34-K-2257 is carrying more liquor. Thereafter, the police team intensified

their checks, and shortly thereafter, a white Accent car, having Registration No.HR-34-K-2257 was seen and stopped.

3.4 The person sitting in the driver's seat stated his name as Lokesh alias Leela, son of Dilip Kumar, resident of 75 Dharmapura, Police Station Najafgarh, District South-West, Delhi, aged about 29 years, **caste- Punjabi Parashar** and the women sitting in the front passenger seat stated her name as Nisha, daughter of Rajesh, wife of Sanjeet, originally resident of RZ 30 Laxmi Vihar, Dichau Kalan, District South-West, Delhi, presently residing at House No. 105, Dinpur, Najafgarh, Police Station Najafgarh, District South-West, Delhi, **caste- Brahmin**. On a personal search, one Oppo mobile phone, light sky-blue in colour, was recovered from the pocket of her trousers.

3.5 On searching the car, 230 bottles of "ROYAL CHALLENGE CLASSIC PREMIUM WHISKY" and 24 bottles of "ROYAL STAGE PREMIUM WHISKY – 42.8% V/V Net Qty 750 ml – FOR SALE IN HARYANA ONLY" were recovered from the boot of the car; two number plates bearing "BR01DE 0941" were also recovered.

3.6 When both vehicle drivers and other persons sitting inside were asked to produce a license for possession and transportation of liquor, they failed to do so and all stated in unison that they earn their livelihood from selling liquor and Praveen Chhetri – the applicant- is their gang leader. Upon further strict interrogation of the accused, they stated that they bring liquor from Haryana and sell it at higher prices in Bihar to earn monetary profit, and that they keep changing the vehicle number plates while travelling to and fro.

4. Being aggrieved by the registration of FIR and initiation of subsequent proceedings, the applicant has preferred the present petition on the following grounds *inter alia* stating;

4.1 That the applicant has been falsely implicated in the present case at the behest of the police because of an ulterior motive.

4.2 The actual facts are that the applicant had gone to Etawah to attend a family gathering on account of the death of a relative. Upon conclusion of the post-death rituals, he attempted to arrange public transport to return home, but, finding it too late at night, discovered that no public transport was available.

4.3 While exploring other options, the applicant was informed by a restaurant owner that public transport might be available on the nearby highway. Acting on this advice, the applicant reached the highway and sought help from multiple passing vehicles, but none stopped. Eventually, after repeated attempts, a black Scorpio vehicle came to a halt. Upon the applicant's request, the driver agreed to give him a lift and asked him to board the vehicle.

4.4 Soon, thereafter, the police intercepted the said vehicle, conducted a search, and recovered certain alleged liquor bottles. The applicant was then falsely implicated in the case, despite having neither committed any offence nor possessed any knowledge of the said recovery.

4.5 At the relevant time, the applicant had only Rs.1,150/- in his possession. He was neither the driver nor the owner of the said vehicle, nor acquainted with the two other persons travelling therein.

5. During the course of argument, this Court observed that the Investigating Officer has mentioned the caste of the accused against their name, therefore, by order dated 3.3.2025 the Director General of Police was directed to file a personal affidavit justifying the requirement and relevance of mentioning the caste of a suspect or a group of persons named in an FIR or during a police investigation in a caste-ridden society, where social divisions continue to influence law enforcement practices and public perception.

6. Pursuant to the aforesaid direction, the Director General of Police filed an affidavit *inter alia* stating:

6.1 Generally, police do not ask/disclose the caste of the accused either in the First Information Report or in the Recovery memo, but due to the reason that there could be several persons of the same name in the same village or area and as such, identification of the real accused has become very crucial task to the police and in such circumstances for avoiding any confusion in future, often police record caste. The police authorities, at the time of preparing the Recovery Memo, are required to comply with the law, particularly regarding cases related to the Excise and N.D.P.S. Act. In the present case, the memos were prepared on the spot and signed by the accused persons. A copy of the Recovery Memo was provided to the accused person on the spot. In such circumstances, the Investigating Police Officer, to avoid any confusion regarding the identity of the accused person, as per the version of the accused, must have mentioned the caste.

6.2 The police do not discriminate against the accused persons on the basis of caste or religion or place of residence, as the only aim and intention of the investigating officer is to disclose the truth regarding the incident so that the real culprits shall be put behind bars. The police investigate as per the procedure established by law without favouring anyone. Additionally, it relied on the Government Letter dated 10.12.1997, issued based on the instructions by the central government to implement a computerised crime and criminal tracking and network system for effective investigation.

6.3 The Government of India and the National Crime Record Bureau have developed a computerised *Crime and Criminal Tracking Network and Systems* (CCTNS), and the State Government has implemented the *Integrated Investigation Form* since 10.12.1997 for the purpose of better scientific investigation. As such, the contents of the form can only be amended either by the Central Government or by the National Crime Records Bureau, the affidavit asserts. Therefore, to fill up the entries given in the Formats discussed herein below, and the police record, the

name of the caste against the name of the accused and complainant/informant is mentioned.

6.4 Being a Welfare State, the government provides monetary benefits to the victims of members of the Scheduled Castes/Scheduled Tribes under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended from time to time and as such, victims and accused disclose their castes at the time of the incident to get the benefit of the State Government schemes.

6.5 The compliance affidavit has been accompanied with Format of First Information Report registered under section 154 Cr.P.C. (Police Form No.341), Crime Detail Form (Police Form No.178Ka), Property Seizure Memo [Search/Production/Recovery under/section----(Police Form No.173)], Arrest/Court Surrender Memo (Police Form No.401), Police Final Report prepared under section 173 Cr.P.C. (Police Form No.339), Court Disposal Form, and Result of Appeal.

7. On examination of aforesaid Formats, it's revealed that there is no para in the ***First Information Report Format*** wherein it is mandatory for the police to mention the caste and religion of accused and complainant, in fact in Para No.7 the accused's can be identified based on description accused's sex, date/year of birth, build, height in centimetre, complexion, identification mark/marks, deformities/peculiarities, teeth, hair, eye, habit(s), dress habit, language/dialect, burn mark, leukoderma mole, scarf and tattoo, if any.

7.1 Similarly, on examination of the ***Crime Detail Form***, it's revealed that there is no para for identification of the accused based on caste and religion; in fact, Para No.5 contains particulars of victims, wherein sub-para 7 & 8 mandate mention of religion and caste (whether SC/ST/OBC) respectively.

7.2 Similarly, on examination of ***Arrest/Court Surrender Memo***, it is revealed that Para No.6 pertains to particulars of accused, wherein sub-

para 8, 9 & 10 pertains to religion, caste/tribe and SC/ST respectively, besides name, Father's/Husband's Name, first alias, second alias, other alias, nationality, voter ID, passport number (date of issue and place of issue), permanent address with district and police station, and present address with district and police station. Para No.9 contains the descriptions of the accused's sex, date/year of birth, build, height in centimetres, complexion, identification mark/marks, deformities/peculiarities, teeth, hair, eyes, habit(s), dress habit(s), language/dialect, burn mark, leukoderma mole, scarf, tattoo and another other features. Para Nos.10 & 11 contain the requirements for fingerprints and the socio-economic profile of the accused, indicating their living status: living alone, with family or relatives in a pucca house/ hotel/ kaccha house/ thached house/ slum, or being homeless. Besides educational qualification(s), occupation and income group, respectively.

7.3 Similarly, on examination of the ***Police Final Report Format***, it is revealed that Para No.10 (VII & VIII) contains the requirement of religion, whether SC/ST, and occupation, besides other details of the accused charge sheeted. Likewise, Para No. 11 mandates the similarly required details of the accused persons not charged (suspected), besides other details such as name, father's or husband's name, year of birth, sex, nationality, passport number with date and place of issue, occupation, and address.

7.4 Whereas, on examination of the ***Court Disposal Form, Result of Appeal***, and the ***Property Seizure Memo***, no requirement of caste and religion has been observed.

8. The DGP's affidavit emphasized three key justifications: first, the identification of the accused by caste name is done to avoid any confusion about the identity of the accused, and second, the contents of the Formats (annexed with the affidavit) may be amended either by the Union Government or the National Crime Records Bureau, and third, the police do not discriminate with accused persons on the basis of their

caste or religion and conducts the investigation as per the procedure established by law – so far as the caste is concerned, the police scientific method of investigation have no impact on the psyche of the law enforcement agencies.

8.1 With regard to the police's stand on the identification of the accused based on caste, it is a legal fallacy. In the first quarter of the 21st century, the police still rely on caste as a means of identification. It's unfortunate. This is particularly untenable when modern tools such as body cameras, mobile cameras, fingerprints, Aadhar cards, mobile numbers, and parental details (Mother and Father, both) are available. In addition, the Formats themselves already contain extensive descriptive fields relating to the accused, including sex, date/year of birth, build, height (in centimetres), complexion, identification marks, deformities/peculiarities, teeth, hair, eyes, habits, dress habits, language/dialect, burn marks, leukoderma, moles, scars, and tattoos, if any. Therefore, this Court is not impressed with the reasoning of the Director General of Police.

8.2 So far as the second issue is concerned, the stand of the police is not legally sustainable, since public order (policing) is a state subject¹, and the State is empowered to amend the contents, whether by deletion or addition, to achieve the constitutional aim of a caste-less society. It's unfortunate, the State has taken no steps in align with constitutional morality.

8.3 The third issue warrants careful scrutiny of the influence of caste on the socio-psychological behaviour of society, the government and its organs. In a caste-ridden society where deep-rooted social divisions continue to shape both public perception and law enforcement practices, it becomes both necessary and appropriate to re-examine the practice of recording caste and religion in police reports and public documents.

¹ State- List contained in Schedule- VII of the Constitution of India

9. In the present context, it may not be necessary to examine the origin of caste and its relevance in ancient Indian society, and even before the Britishers came to India. A reference to the judgment passed in the first quarter of the 19th century may no longer be fruitful. However, recent judgments of the Supreme Court, which contain mandatory directions prohibiting the mention of caste and religion in pleadings, are certainly relevant for arriving at a just decision. Notably, in the early 20th century, Indian courts frequently addressed the impact of caste on both societal dynamics and judicial functioning.

10. Before I dwell upon the judgment passed by the Supreme Court and examination of the critical view of the jurist, a re-look at the famous speech of Dr. B.R. Ambedkar delivered on 25.11.1949 on the conclusion of deliberations in the Constituent Assembly may fulfill the purpose and aspiration of the rising India, the confident India; a nation driven by vision, powered by innovation, and rooted in its timeless values. The relevant extracts are reproduced hereinafter: *"In India, there are castes. The castes are anti-national. In the first place, they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a nation in reality. Fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint."*²

10.1 Dr. Ambedkar further emphasized that "caste is not a physical object like a wall of bricks or a line of barbed wire which prevents the Hindus from commingling and which has therefore to be pulled down. Caste is a notion; it is a state of the mind"³.

11. In *Indra Sawhney v. Union of India*, the Supreme Court observed that secularism is the basic feature of the Indian Constitution. It envisages a cohesive, unified and casteless society. The Constitution has completely obliterated the caste system and has assured equality before

² Constituent Assembly Debate Vol 11, p. 980

³ An excerpt from *Annihilation of Caste* – a book by Dr. B. R. Ambedkar

the law. Reference to caste under Articles 15(2) and 16(2) is only to obliterate it. The prohibition on the ground of caste is total; the mandate is that never again in this country shall caste raise its head. Even access to shops on the grounds of caste is prohibited. The progress of India has been from casteism to egalitarianism- from feudalism to freedom⁴.

11.1 The caste system, which has been put in the grave by the framers of the Constitution, is trying to raise its ugly head in various forms. Caste poses a serious threat to secularism and, as a consequence, to the integrity of the country. Those who do not learn from the events of history are doomed to suffer again. It is, therefore, of utmost importance for the people of India to adhere in letter and spirit to the Constitution, which has moulded this country into a sovereign, socialist, secular democratic republic and has promised to secure to all its citizens justice, social, economic and political, equality of status and of opportunity⁵.

12. The Supreme Court in **Ashok Kumar Thakur v. Union of India**⁶ has confirmed that achieving a casteless society is an ultimate aim of the Constitution.

13. Further, the Supreme Court in **State of Rajasthan v. Gautam s/o Mohanlal**⁷ observed that an accused has no caste or religion when the Court deals with the case. The Court emphasised that such information should not be included in the cause title of judgments, and this practice needs to be discontinued and held that, *"an accused has no caste or religion when the Court deals with his case and further observed that the Court has failed to understand why the caste of the accused has been mentioned in the cause titles of the High Court and Trial Court judgments. The caste or religion of a litigant should never be mentioned in the cause title of the judgment. The Court was surprised that despite their earlier order dated 14th March 2023 that such practice should never be followed, it's still prevalent."*

⁴ 1992 Supp 3 SCC 217 (Para-339)

⁵ 1992 Supp 3 SCC 217 (Para-340)

⁶ (2008) 6 SCC 1

⁷ *State of Rajasthan v. Gautam s/o Mohanlal, Criminal Appeal No.3168 of 2023 arising out of Special Leave Petition (Crl.) No.11331 of 2019*

14. Similarly, the Supreme Court in *Shama Sharma v. Kishan Kumar*⁸, while hearing a transfer petition filed by petitioner-wife under Section 25 of the Code of Civil Procedure, 1908, seeking transfer of petition for restitution of conjugal rights filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, pending before the Principal Judge, Family Court, Sri Ganga Nagar, Rajasthan to a Court of competent jurisdiction at Faridkot, Punjab. The Supreme Court, while examining the Court's record, noted with surprise that the caste of both parties has been mentioned in the memo of parties, besides their other details. The Court directed all the High Courts to ensure that the caste/religion of a litigant does not appear in the memo of parties.

14.1 The Supreme Court observed that there was no reason for mentioning the caste/religion of any litigant even before Supreme Court or the courts below, and thus, shunned such practice and held that it must be seized forthwith, and passed general order directing that henceforth the caste or religion of the parties shall not be mentioned in the memo of parties of a petition/proceedings filed before the Supreme Court irrespective of whether any such details have been furnished before the courts below. A direction was also issued to all the High Courts to ensure that the caste/religion of a litigant does not appear in the memo of parties in any petition/suit/proceedings filed before the High Court or the Subordinate Courts under their respective jurisdiction.

15. “*The Judges of the Supreme Court of India, 1950-1989*”- a seminal work by *George H. Gadbois, Jr.*⁹, presents a biographical essay for each of the first ninety-three judges who served on the Supreme Court from 1952 through mid-1989. The contents of the biographical essay were gathered in the only way they could be – from conversation with the judges. Chapter II of Part Two of the book deals with caste. It starts with “*Caste, the most important differentiator in the Indian social life, is better indicative of social origin and class than parental*

⁸ 2024 SCC OnLine SC 88

⁹ He was a Political Scientist at the University of Kentucky, USA. He has been a close observer of the Supreme Court for more than half a century.

occupation.....” and the book concludes with the phrase that caste has also been one of the indicators in the appointment of Supreme Court judges- not in all, but in some cases- and the analysis ended with the observation that..... “judges of the highest rank in all or nearly all nations will not be representative of the social make-up of their country.¹⁰”

16. Professor G. Mohan Gopal¹¹, in the opening paragraph of his essay titled *"Supreme but Pro-Caste: How the Jurisprudence of the Supreme Court of India Preserves and Protects India's Caste System"*, published in *"[In] Complete Justice? The Supreme Court at 75"*, edited by Justice S. Muralidhar¹², invokes the words of Dr. B.R. Ambedkar, who cautioned: *"Some say that they should be satisfied with the abolition of untouchability only, leaving the caste system alone. The aim of abolition of untouchability alone, without trying to abolish the inequalities inherent in the caste system, is a rather low aim."* Drawing from Supreme Court judgments, Professor Gopal critiques the Court's approach to caste, arguing that it has, in effect, preserved and protected the caste system.

16.1 The following selected paragraphs are excerpted from Professor G. Mohan Gopal's essay, which critically examines the Supreme Court's approach to caste and underscores the need for a casteless society. The essay offers a perspective that may illuminate certain dimensions of the issue at hand. However, this Court does not, at this stage, fully concur with all the views expressed therein;

"Notwithstanding its rhetoric about a casteless society, in the seventy-five years of its existence, the SCI has protected

10 Excerpts from the "Judges of the Supreme Court of India, 1950-1989"- a book written by George H. Gadbois, Jr. and published by Oxford University Press, a Department of the University of Oxford

11 Professor Mohan Gopal graduated from the Faculty of Law, University of Delhi, and holds a doctorate in law and LL.M. from Harvard Law School. He served at the Asian Development Bank as Chief Counsel at the World Bank, and is a former Vice-Chancellor of the National Law School of India University, Bangalore. He was also the Director of the National Judicial Academy at Bhopal, and a founder chair (2012 to 2019) of the National Court Management Systems Committee instituted by the Supreme Court of India.

12 Justice S Muralidhar was an Advocate-on-Record in the Supreme Court of India till his elevation as a Judge of the High Court of Delhi, and thereafter, appointed as Chief Justice of the High Court of Orissa from January 2021 till his retirement in August 2023.

and preserved the caste system. It has been an anti-catalyst in two ways: first, by suitably redefining three foundational legal concepts (caste, religion and Hindu); and second, by eviscerating reservation, which, as conceived by Dr. Ambedkar, is the intended constitutional weapon of caste destruction.”

"As the caste system is a system for vesting, divesting and regulating rights of individuals and social groups, it is a political system of government rather than a religious system or a social system. In effect, the varna-jaati system is a system of unequal citizenship. A system of government may be defined as a structure for the establishment and operation of institutions to distribute power and govern people by defining and regulating rights, claims, privileges, disabilities and liabilities. These are the practical functions of the varna-jaati system. The varna-jaati system should therefore also be recognised for what it is in its essence: a form of government."

"For instance, Article 17 abolishes, forbids and criminalises the practice of untouchability, and Article 25 vests freedom of religion in the 'individual' and not in groups. This is a radical rejection of the varna system, which does not recognise the individual except as a member of a group and vests all claims, privileges, liabilities and disabilities exclusively in groups. Further, Article 25 makes the right to religion subject to other fundamental rights."

17. The British colonial rule dramatically transformed the caste system. The first all-India census was carried out in 1871-1872 by the

British to gather demographic status of the entire population of India for better administrative control, categorizing and freezing caste identities, turning fluid social groups into fixed administrative categories, besides other details like education, religion, occupation, military and non-military population, etc. The British rule in India used caste for governance and financial gain, creating caste groups and criminal tribes, and by introducing separate *codified laws* for different communities.

18. There is another aspect attached to the *codified law* and *concept of justice*, and there exists a fundamental distinction between the concept of *justice* and the framework of *codified or statutory law*. This difference becomes particularly evident when viewed through the lens of India's colonial legal history.

19. The British introduced judicial reforms in India not with the intent of delivering justice in its truest sense, but rather to serve the administrative and commercial interests of the East India Company and subsequently the British Empire. The establishment of *Diwani and Faujdari Adalats* under Warren Hastings marked the beginning of this legal restructuring. His successor, Lord Cornwallis, continued these reforms, and the Charter Act of 1833 further advanced this project by allowing Indians to enter judicial services and establishing a Law Commission to codify laws.

20. As a result, several important statutes were enacted: the Civil Procedure Code (1859), the Indian Penal Code (1860), and the Criminal Procedure Code (1861), Indian Contract Act, 1872 and Succession and Custody Laws, among others. Nearly 52 Legislative Acts have been passed by British Colonial Rulers for India. Yet, despite the presence of a comprehensive legal framework, there was widespread discontent among Indians. The Indians recognized that while procedural law had been established, true justice remained elusive.

21. The colonial legal system, though codified law, for illustration; (i) Government of India Act, 1858, the British Parliament passed its Act to liquidate the East India Company, following the 1857 mutiny, (ii) Government of India Act, 1919, and (iii) Government of India Act, 1935 often worked to undermine Indian resources, culture, governance, and autonomy. The application of law was frequently a tool of exploitation, not emancipation. It can be best demonstrated by the fact that in 1650, India's GDP was 25% of the world's GDP, and by 1950, when the British left India, it's GDP reduced to 2% of the world's GDP! Imagine how much wealth was created in those three hundred years, which was transferred to Britain.

22. This disconnect between law and justice fuelled mass movements- such as the Non-Cooperation Movement, the Quit India Movement, and other struggles for Swarajya- that ultimately led to pass the Indian Independence Act, 1947¹³.

23. This historical experience teaches us an essential lesson: the mere existence of law does not guarantee justice. Procedural codes, however well-structured, can fail to serve the people if they are not grounded in principles of JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith, and worship; EQUALITY of status and of opportunity; and to promote among all FRATERNITY assuring the dignity of the individual and the unity and the integrity of the Nation.

24. Therefore, in the contemporary Indian judicial landscape, the pursuit of *justice* demands a holistic appreciation of the entire judicial framework rather than mere adherence to *codified law and the law propounded through judgments*. Structural judicial reform is urgently needed- reform that prioritizes *justice* not only in theory but in alignment with the *rule of law*, ensuring that the law and government policies serve WE, THE PEOPLE OF INDIA, not the other way around.

¹³ It is an Act of Parliament of the United Kingdom that partition India between two new independent dominions of India and Pakistan.

25. Caste in India is not merely a system of social stratification — it is a deeply embedded psychological and legal phenomenon that influences identity, behaviour, and access to rights. Caste has been institutionalized over centuries through religious texts, social customs, and cultural practices. The caste-based notion of superiority, especially among historically privileged castes, persists in the collective consciousness despite constitutional guarantees of equality and dignity. It is a human-made construct- not a genetically evolved condition, like the evolution of humans from *homo sapiens* to present-day *human beings*; It's not a divinely ordained system.

26. The Constitution of India enshrines the principle of equality and explicitly prohibits caste-based discrimination through several key provisions. Article 14 guarantees "equality before the law" and "equal protection of the laws" to all individuals. Article 15(1) prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. Yet, caste-based discrimination continues to exist in society, and the Courts have recognized this in various judgments, particularly in matters involving atrocity laws and reservations.

27. Many individuals from privileged caste(s) experience cognitive dissonance when confronted with their privilege. While they may intellectually accept constitutional equality, they often deny structural discrimination, attributing marginalized groups. This denial acts as a psychological defence mechanism to preserve caste identity and caste based privileges without overt guilt. This fosters implicit bias and a persistent sense of social superiority, which resists rational legal intervention.

28. The psyche behind the caste dominance is the assertion of identity amid insecurity. These displays often come from privileged and socially anxious caste groups as India moves towards urbanization, inter-caste mingling, and affirmative programmes, formerly privileged castes experiencing status anxiety- a fear of losing historical privileges.

Further, it's a reflection of cultural narcissism and group egotism. Caste is turned into a performative identity, an ego project, where pride is rooted not in individual merit but in fake ancestral valour or a delusion rooted in fictitious mythical supremacy. This behaviour echoes the concept of "*culture of dominance*", where marginal superiority is exaggerated to cover deep-seated inferiority. The sociology-psychological implications of collective narcissism, wherein individuals anchor self-worth in caste identity rather than merit or civic virtue, and symbolic intimidation of caste emblems signals dominance and discourages inter-caste social mixing, stimulate digital echo chambers of the mind.

29. What manifests as caste pride is often not about identity but insecurity, not about history but hegemony. It reflects a failure of the education system, law enforcement, and political class to instil constitutional values of FRATERNITY, assuring the dignity of the individual and the unity and integrity of the Nation.

30. The caste-based congregation and associations gather to assert caste identity, influence the political landscape and determine access to resources, rituals and even entry to temples and crematoriums. In such a scenario, a fair treatment of merit and respect for hard work is the least expected.

31. The resurgence of caste identifiers in public and digital spaces is not the beginning of a cultural phenomenon- it is a coded assertion of social power that contradicts India's constitutional values. In the northern part of India- in states like Uttar Pradesh, Haryana, Punjab, Rajasthan, and parts of Madhya Pradesh and Bihar- individuals commonly mark their cars, bikes, and sometimes homes with caste identifiers. Vehicles adorned with caste emblems, slogans or even warnings.

32. The rise of digital platforms like Instagram, YouTube Shorts, and Facebook Reels has given young caste-identified individuals a platform

for performance. These reels often romanticize caste aggression and dominance, rural masculinity, and regressive honour codes. The socio-psychological, cultural, and legal dimensions of such behaviour reveal how the assertion of caste in public domains undermines constitutional morality and reflects an identity crisis rooted in historical superiority and modern insecurity.

33. Social media becomes an echo chamber for hyper-masculine caste identity, historical revisionism (e.g., glorifying feudal lords or caste based political leaders). It promotes a toxic digital masculinity rooted in caste, weaponizing tradition in a postmodern format. The digital caste ego is further influencing the cognitive behaviour of the youth, thereby undermining the constitutional morality of brotherhood and unity.

34. The collective political will, bureaucratic setup, and law enforcement agencies are oblivious to the aforementioned social trend. The reasons are best known to them; either they have accepted it as the future of the new India, or their cognitive behaviour and social psyche have been shaped by caste narcissism.

35. The police and other law enforcement agencies are not immune to these societal biases. They often reflect, reproduce, and sometimes intensify caste-based prejudices. It becomes necessary to deal with the cognitive behaviour of law enforcement officials in India when influenced by caste-ridden thought, combining insights from the conduct infused by social psychology, and behavioural patterns reflected in contemporary cases. This is evident from discrimination and segregation in the education and justice departments that remain rampant across India, driving inequality in education, life opportunities, and in justice delivery system.

36. The cognitive behavior of law enforcement officials—as evident from the facts of the present case and observed in others—reflects a caste consciousness that persists in the mind, as there was no legal

requirement for the investigating officer to mention the caste of accused persons in order to bring them to justice, still the investigating officer mentioned the accused caste in the impugned FIR and the search and seizure memo highlights one of the most serious challenges to constitutional democracy in India. It reveals that the problem of caste is not just in society or religion but embedded in the mental framework of the State itself. Legal and institutional reforms must be accompanied by a moral and psychological revolution in the minds of those entrusted with upholding the law. Only then can we hope to dismantle the caste matrix that continues to influence India's criminal justice system.

37. Even though Article 15 of the Indian Constitution protects individual Indians from discrimination based on religion, race, caste, sex and place of birth. Yet, nearly 75 years after the Indian Constitution came into force, the critical and influential institutions of State are still influenced by a malignant system that often adopts immoral caste, sex and religion-based preferences under the guise of so-called “*independence*” and “*transparency*”. The preferences for the privileged class of society undermine our national unity and compromise merit and hard work. The individual's hard work, excellence and individual achievement are compromised in favour of a detrimental framework. The hard work and merit of individuals should not be stigmatized, demeaned, or shut out of opportunities because an individual does not come from the privileged category of class.

38. The psyche behind an inflated ego is a myth, and the constitutional instrumentalities need to bust it. It is not just regressive- it is resistant to the idea of a progressive, transformed, developed, modern, and unified India. India's future lies in social integrity and participative democracy. Confronting this psyche requires more than regulation; it demands social re-education, moral awakening, and deconstruction of caste as a symbol of worth. The real pride of a citizen must lie not in caste, but in character- and not in legacy, but in equality and fraternity. Equality means equal opportunities for all, and fraternity means a collective sense

of brotherhood. It is not a subject of good and impressive literature, but rather one to be embodied in practice through body, action, and behavior. It's about engaging your whole self.

39. To address the psychological dimensions of system based privileges and behavior sentiments, legal reform must go beyond punitive measures, and the rule of law shall be given prominence while dealing with biases, and to eliminate such biases and prejudices, the sensitization of the judiciary and police through anti-bias training programmes and introducing new curricular reform to challenge casteist and sexist narratives in schools and colleges, and in bureaucratic set-ups. Strengthening social justice jurisprudence with attention to lived experience, rather than just legal definitions, and implementing legal literacy campaigns to dismantle internalized superiority may serve a useful purpose in establishing a caste-less and gender neutral society.

40. So far as caste based discrimination is concerned, the policy and rule makers must consider curbing caste emblems and slogans in public vehicles and regulating caste glorification content on social media, and promoting inter-caste institutions and community centres instead of exclusive caste based institutions.

41. While anti-discrimination laws provide punishment for caste based exclusion, they cannot by themselves dismantle centuries-old social structures. In India, caste is not merely a matter of discrimination but also a significant aspect of identity and the assertion of power. The caste-based political rallies, glorification of caste in TV debates, caste-based songs and social media content, caste-based leadership, and caste-based congregations remain frequent, undermining the very spirit of constitutional morality and anti-discrimination provisions of the Indian Constitution. Even matrimonial ads in newspapers and online portals openly mention caste preferences, reflecting deep social conditioning. Instead of promoting equality, the media often becomes a mirror of entrenched hierarchies.

42. India's legal framework against caste based discrimination is amongst the most comprehensive in the world. Articles 14, 15 & 17 of the Constitution explicitly guarantee equality and outlaw discrimination. However, most measures focus on protection and affirmative action, not on dismantling social prejudices that arises because of discrimination based on caste. The law can punish overt acts of discrimination, but it does little to address the subtle everyday forms of exclusion still prevalent in institutions, schools, workplaces, and villages.

43. There is no national wide awareness programme specially targeted at caste prejudice, like campaigns on cleanliness and gender equality. The school have a policy on inclusion, but there is no systematic curriculum module dedicated solely to anti-caste education. Government often treats caste issues as matters of law and order, focusing on punishing atrocities rather than preventing them through dialogue, community reforms, providing equal opportunity where there is no reservation, and or sensitization through sustained campaigns.

44. To minimize caste discrimination, the government needs sustained programmes alongside laws- a national campaign promoting social harmony and caste equality. School curriculum modules should teach children about equality, dignity, and the dangers of caste prejudice. Community-level initiatives, mandatory training for public officials, teachers, and employees on caste sensitivity, and media campaigns highlighting positive stories of caste integration and the danger of caste prejudices, may be taken by reference from history.

45. The law alone cannot change hearts and minds. The absence of sustained government programmes to eliminate discrimination may not fulfil its Constitution obligation towards a casteless society. India must move beyond punishment and economic schemes to create proactive programmes of education, awareness, and social reform to achieve constitutional morality and the vision of an equal and inclusive society in participative democracy. The affirmative programmes and economic

schemes have their own worth but cannot substitute the aforesaid pro-active programmes.

46. The investigative impartiality and enforcement neutrality must be consciously cultivated, especially in a society where caste is pervasive. Writing or declaring the caste of an accused- without legal relevance- amounts to identity profiling, not objective investigation. It reinforces prejudice, corrupts public opinion, contaminates judicial thinking, violates fundamental rights, and undermines constitutional morality.

47. The Court is not impressed with the justification offered by the Director General of Police. In the Court's view, the DGP, coming from a third-world background, appears to have little exposure to the complex realities of Indian society and the demands of professional policing. True legal and professional acumen necessarily requires an understanding of society—its nature, its functioning, and its constitutional values. Yet, despite holding the state's highest police office, he conducted himself like an ivory-tower policeman, detached from constitutional morality, and eventually retired merely as a bureaucrat in uniform.

48. Recording the caste of the accused as *Mali, Pahadi Rajput, Thakur, Punjabi Parashar, and Brahmin* (*emphasis supplied*) in the impugned FIR and Seizure Memo serves no lawful or legitimate purpose. What is truly unfortunate is that, rather than recommending a departmental inquiry or ensuring the officer undergoes sensitization on constitutional morality and social concerns, the conduct was defended on vague and unsustainable grounds. Such insensitivity on the part of the state's highest police authority compelled this Court to engage in a deeper deliberation on the larger issue of caste based prejudices, leading to the issuance of recommendations (with the hope and expectation that a serious and deliberate consideration by the Union would strengthen the intent of these deliberations to achieve constitutional obligations towards caste-less society) to various departments of the Union Government, as well as specific directions to the State of Uttar Pradesh.

49. The sole purpose of the observation made herein above is merely an attempt to invoke constitutional morality and awaken a sense of compassion and justice in the conscience of those occupying the highest constitutional offices. Constitutional authorities must never forget that the dignity of the Nation does not emanate from lineage or caste affinity, but from adherence to constitutional morality and the collective effort of building a strong national character. Pride in ancestry or social identity cannot be a substitute for the values of equality, justice, and fraternity enshrined in the Constitution. True honour for one's office, and true service to the people, lies in upholding these principles with humility and devotion. Reverence for the Constitution, rather than for lineage, is the highest form of patriotism and the truest expression of national service. Such conduct, if any, by the constitutional authority undermines the constitutional morality.

50. Before parting, I would like to observe that India has resolved to become a developed nation by 2047, marking the centenary of its Independence. To truly realize this vision, it is imperative that we eradicate the deeply entrenched caste system from our society.

50.1 This goal demands sustained, multi-level efforts from all levels of government—through progressive policies, robust anti-discrimination laws, and transformative social programs. While the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act* exists to address specific abuses, there remains no comprehensive law aimed at dismantling the caste system itself and its pervasive social influence.

50.2 As rightly asserted by social reformers such as Raja Ram Mohan Roy, Jyotiba Phule, Savitribai Phule, Dr. B.R. Ambedkar, Swami Vivekananda, Narayana Guru, Vinoba Bhave, Kandukuri Veeresalingam and Swami Dayanand Saraswati—among many others—the glorification, institutionalization, or promotion of caste-based identities and programs runs counter to the spirit of national unity and progress. Such practices are, in effect, anti-national.

50.3 A nation's development is best measured not just by economic growth, but by two fundamental benchmarks: the effective implementation of the *rule of law* and the realization of an *egalitarian society*. If we are sincere in our commitment to becoming a truly developed nation by 2047, the annihilation of caste must be a central part of our national agenda. History has made this lesson clear for us!

RECOMMENDATIONS

51. Based on the aforesaid deliberations, the government may prepare a regulated framework to regulate and amend the Central Motor Vehicle Rules (CMVR) to explicitly ban caste-based slogans and caste identifiers on all private and public vehicles. Issue uniform circulars to RTOs and traffic departments across the state to enforce the removal of caste signage and impose heavy fines, which may act as a deterrent. Strengthen provisions under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, to flag and act against caste-glorifying, hate-inducing content on social media. Support media literacy and anti-casteism campaigns targeting youth on platforms like Instagram, YouTube, and WhatsApp. May set up a Monitoring and Reporting Mechanism for citizens to enable them reporting portals and mobile apps to anonymously report violations in collaboration with (i) Ministry of Road Transport & Highways (MoRTH), (ii) Ministry of Electronics and Information Technology (MeitY), (iii) Press Council of India, and (iv) Civil society organizations working on caste equity and digital rights.

DIRECTIONS FOR UTTAR PRADESH GOVERNMENT

(a) In para-6, the name of the mother of the complainant/informant, along with the Father's/Husband's Name, shall be added in the ***Format of FIR***. (Reference: Page 7 of the Counter Affidavit)

(b) In para-3, the name of the mother shall be added along with the name of the Father/Husband of the person who has shown the place of

occurrence. Column No. 8 of para 5 shall be deleted from the format of the ***Crime Details Form***. (Reference: Page 11 of the Counter Affidavit).

(c) Name of mother shall be added in para-5 & 6 of the ***Property Seizure Memo*** along with the name of Father/Husband. (Reference: Page 17 of the Counter Affidavit).

(d) In Para 6(1), the name of the mother of the accused shall be added along with the name of the Father's/ Husband's Name, whereas Para 6(9) and 6(10) shall be deleted from the ***Arrest/Court Surrender Memo***. (Reference: Page 19 of the Counter Affidavit)

(e) In Para 8 (Kha), the name of the mother of the complainant/informant shall be added along with Father's/Husband's Name, and Para 10 (vii) shall stand deleted so far as the requirement of SC/ST/OBC is concerned from the ***Police Final Report***. Likewise, similar changes shall be made in the paragraph. 11. (Reference: Page 22 & 23 of the Counter Affidavit).

(f) In brief, the entries, in paragraph and column pertaining to the requirement of caste or tribe shall stand deleted, whereas the Mother's Name shall be added along with the name of father and husband in all the aforesaid FORMATS annexed with the counter affidavit filed by Director General of Police, UP.

(g) It's learnt that the notice board installed at all the police stations of Uttar Pradesh carries a column of the ***caste*** against the name of the accused; the government shall issue an appropriate order to delete (erase) the same with immediate effect immediately after receipt of the copy of this order.

(h) It is also brought to the court's notice that in rural India, sub-urban towns (Kasbas and Tehsils), and even in certain colonies of district headquarters, certain disgruntled elements—driven by false caste pride and caste narcissism—have installed signboards glorifying caste and declaring specific geographical areas as caste territories or estates. Such

signboards or proclamations must be removed forthwith, and strict measures should be taken to ensure that no such boards are erected or installed in the future. A formal regulation to this effect should be framed at the earliest by the competent authority.

52. The ACS (Home) in consultation with the DGP, Uttar Pradesh shall frame and implement Standard Operating Procedures (SOPs) to implement aforesaid guidelines, and amend police manuals/ regulation, if necessary, to prohibit the caste disclosure in investigations and public records of complainant/informant, accused and witnesses, however, complainant(s)/informant(s) are exempted only in cases where there is a statutory requirement for mentioning caste, like in cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and other public records.

53. The aforesaid directions shall be applicable in the territorial jurisdiction of Uttar Pradesh and are optional for the central government, as it was not before this Court.

54. Reverting to the prayer made in the present petition for quashing of the impugned criminal proceedings arising out of Case Crime No.108 of 2023, under Sections 420, 467, 468, 471 IPC read with Sections 60/63 of the Excise Act, registered at Police Station Jaswant Nagar, District Etawah, as against the applicant, this Court has placed reliance upon the judgment of the Supreme Court in *State of Haryana and others v. Ch. Bhajan Lal and others*¹⁴. In the said judgment, the Supreme Court elaborately discussed the scope of inherent powers under Section 482 Cr.P.C. and laid down guidelines for the exercise of such power, holding *inter alia* that where the allegations made in the First Information Report or complaint, even if taken at face value and accepted in their entirety, do not *prima facie* constitute any offense or make out a case against the accused, the criminal proceedings may be quashed besides other directions.

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55. In the present case, upon perusal of the record and examination of the documents placed before the Court, it is *prima facie* established that the applicant was arrested on the spot, and upon personal search, an amount of Rs. 1,150/- and one Apple mobile phone (light sky-blue in colour), bearing IMEI Nos.(i) 355387490148201 and (ii) 355387490208206 were recovered from his pocket. Upon searching the Scorpio vehicle, 70 bottles of "ROYAL CHALLENGE CLASSIC PREMIUM WHISKY – FOR SALE IN HARYANA ONLY" and 36 bottles of "ROYAL STAGE PREMIUM WHISKY – FOR SALE IN HARYANA ONLY – 42.8% V/V NET Qty 750 ml" were recovered from the rear boot of the car. Additionally, two number plates bearing "T1222 JH 7384D" were recovered from the rear boot, and the number plate affixed to the vehicle was also found to be fake. During the course of the investigation, it was further revealed that the applicant is the gang leader involved in the smuggling of liquor.

56. Considering the nature of illegal smuggling of liquor across state borders for financial gain and applying the principles laid down in *Bhajan Lal* (supra), a *prima-facie* case is made out against the applicant. Therefore, no ground for quashing the impugned proceedings is made out.

57. As regards the submissions advanced by learned counsel for the applicant, they involve questions of fact that are to be determined by the trial court upon proper adjudication. Determination of factual issues, appreciation of evidence, or assessment of the reliability and credibility of the prosecution's version does not fall within the scope of jurisdiction under Section 482 Cr.P.C. In light of the material on record, it also cannot be held that the impugned criminal proceedings are manifestly tainted with *mala fide*, or maliciously instituted with an ulterior motive to wreak vengeance on the applicant, or to settle a personal or private grudge. Likewise, no illegality, perversity, or any substantial error has been pointed out in the impugned summoning order to warrant interference by this Court under Section 482 Cr.P.C.

58. Accordingly, the application under Section 482 Cr.P.C. is devoid of merit and is hereby ***dismissed***, with the aforesaid directions to the Additional Chief Secretary (Home) and Director General of Police, Uttar Pradesh, to ensure compliance forthwith.

59. The Registrar (Compliance) is hereby directed to transmit a copy of this order to (i) the Chief Secretary, Uttar Pradesh, who in turn shall place a copy of this order to the Hon'ble Chief Minister, Uttar Pradesh, for information, (ii) Additional Chief Secretary (Home), and Director General of Police, Uttar Pradesh, for compliance forthwith.

60. A copy of this order shall also be sent to (i) Union Home Secretary, Government of India; (ii) Secretary, Ministry of Road Transport & Highways (MoRTH); (iii) Secretary, Ministry of Electronics and Information Technology (MeitY), and (iv) Secretary, Press Council of India for information and future reference.

September 16, 2025

Anil K. Sharma

(Vinod Diwakar, J.)