



2026:AHC:41284

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 2071 of 2026**

Soniya Rani

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

---

Counsel for Appellant(s) : Harish Chandra  
Counsel for Respondent(s) : G.A.

---

**Court No. - 51**

**HON'BLE ANIL KUMAR-X, J.**

1. Heard learned counsel for the appellant Shri Acharya Rajesh Tripathi, learned AGA for the State.

2. This criminal appeal under Section 14-A(1) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant with a prayer to allow the appeal and set aside the impugned order dated 31.01.2025 passed by the learned Additional District & Sessions Judge/Special Judge, SC/ST Act, Hapur in Final Report No. 03/2019 (Dharpal vs. Principal Smt. Varshita Khandelwal) arising out of Case Crime No. 239/2019 under Section 323, 504, I.P.C. and Section 3(1)(da), 3(1)(dha), 3(2)(vi) of SC/ST Act, Police Station-Pilkhuwa, District Hapur, whereby the protest petition filed by the appellant against the final report has been dismissed by the learned trial court.

3. Briefly stated, the appellant/informant lodged an FIR against the respondents stating that his daughter, Ms. Sonia, aged about 16 years, is a student of Hindu Girls Inter College, Pilkhuwa. It was alleged that the Principal of the school, Mrs. Varshita Khandelwal, without obtaining permission from the competent Government authority, introduced a book titled "Utkrisht Vedic Dharma Prashna Quiz" (Moral Education), authored by Kunwarpal Singh Arya, into the school curriculum. The book was allegedly distributed to all students and they were compelled to study it. It was further alleged that the said book promotes the four-fold caste system based on Manusmriti and contains derogatory references to members of

Scheduled Castes, Scheduled Tribes and Backward Classes by describing them as "Shudra". According to the informant, inclusion of the said book in the curriculum amounts to promotion of caste-based discrimination and fosters enmity between different sections of society, thereby adversely affecting national unity and integrity.

4. It was also alleged that on 20.05.2019 at about 8:30 a.m., during the school prayer assembly, his daughter protested before the Principal against inclusion of the said book. Thereafter, the Principal allegedly called her to the office and, in the presence of teachers and staff members, assaulted her and abused her in filthy language, including the use of caste-related remarks such as "lowly Chamari". It was further alleged that none of the teaching staff present intervened to prevent the incident. The matter was investigated and a Final Report was submitted. On directions of the higher police authorities, further investigation was conducted; however, even thereafter, a Final Report was again submitted. The appellant filed a protest petition, which was dismissed by the learned Court while accepting the Final Report.

5. Learned counsel for the appellant submitted that the investigation was not conducted in a fair and proper manner. It was contended that the written statements of the appellant and his daughter were not made part of the case diary and their statements were not correctly recorded by the Investigating Officer. It was further alleged that their statements were tampered with and that the Investigating Officer recorded the statements on his own, according to his will. It was argued that the learned Trial Court erred in dismissing the protest petition instead of converting it into a complaint case, particularly when a specific prayer to that effect had been made in the protest petition. It was submitted that the appellant had clearly expressed dissatisfaction with the investigation carried out by the police authorities, yet the learned Trial Court committed a manifest error in dismissing the protest petition and accepting the Final Report. Hence, it is prayed that the appeal be allowed and the protest petition be treated as a complaint case.

6. Learned A.G.A., on the other hand, submitted that during the course of investigation, evidence was collected and statements of independent

witnesses were recorded. However, none of the witnesses supported the allegations made by the appellant. Even the teachers who were allegedly present at the time of the incident, as claimed by the appellant, did not support the allegations. It was further submitted that the FIR was lodged after a delay of seven days without any satisfactory explanation. Learned A.G.A. also invited attention to paragraph 7 of the protest petition, wherein the appellant stated that his daughter had uploaded videos on social media regarding the alleged incident. It was submitted that the conduct of the appellant's daughter, in uploading such videos, is relevant and speaks for itself in the context of the allegations made. He concluded his argument by stating that alleged book was meant for moral education and same had been deliberately made controversial by appellant.

7. I have considered the submissions advanced by learned counsel for the parties and perused the impugned order.

8. The learned Trial Court has thoroughly assessed the evidence collected during investigation. It observed that the alleged incident was not supported by any witness, including independent witnesses. It is significant to note that the alleged book, which was kept in a sealed cover, was also perused by the learned Court. Upon reading the same, the Court held that there was nothing in the book to indicate that it spreads hatred among different sections of Hindu society. The Court observed that the book was based on Vedic teachings. The findings recorded by the learned Trial Court are founded upon the material collected during investigation. In such circumstances, particularly when the alleged book itself was examined by the learned Trial Court, the said findings do not call for interference.

9. So far as the contentions raised by the appellant are concerned, the same are devoid of legal substance. A protest petition may be converted into a complaint case, subject to fulfilment of two conditions. Firstly, the Magistrate must disagree with the police report and be of the opinion that conversion of the protest petition into a complaint case would help in ascertaining the truth of the allegations after the complainant leads evidence. Secondly, the protest petition itself must satisfy the essential requirements of a complaint. It is mandatory that any complaint filed

before the Court must disclose the commission of an offence, the necessary ingredients thereof, and the evidence proposed to be adduced in support of such allegations. If any of these conditions remains unfulfilled, the complainant cannot claim, as a matter of right, that the protest petition be converted into a complaint case.

10. I have also perused the protest petition which runs into 7 paragraphs and lacks the necessary ingredients as discussed above. It basically consists of the proceedings carried during investigation and an allegation against I.O. that he deliberately denied to include written testimony of appellant. Appellant from the very beginning, except for making a bald allegation, has not mentioned about those contents of the book which by their nature appear to spreading hatred or are detrimental to national unity and integrity of the nation. Even it does not mention any witnesses who could support the allegations.

11. Upon overall consideration of the record, this Court is of the view that the allegations, on the face of it, appear to be more in the nature of a public stunt, rather than a genuine grievance. The language used in the FIR, particularly the sweeping allegation that inclusion of the said book was adversely affecting national unity and integrity, appears exaggerated and disproportionate to the actual contents of the book, which has already been perused by the learned Trial Court. The book, as noted, is based upon Vedic teachings and forms part of moral education in the school curriculum. There is nothing on record to show that it was intended to incite hatred or promote enmity among different sections of society. It is also relevant that none of the independent witnesses, including the teachers allegedly present at the time of the incident, supported the allegations. The delay in lodging the FIR without satisfactory explanation and the fact that the alleged incident was publicized on social media further create doubt regarding the true intention behind the complaint. The manner in which broad and serious allegations were made against the school authorities and the curriculum suggests an attempt to draw public attention by giving a larger colour to the issue than what the material on record supports.

12. In these circumstances, this Court finds no illegality or perversity in

the order dated 31.01.2025 passed by the learned Trial Court. The appeal, being devoid of merit, is liable to be dismissed.

13. This criminal appeal is, accordingly, **dismissed**.

**(Anil Kumar-X,J.)**

**February 24, 2026**  
SK