CNR No: PHHC010551802024
2026:PHHC:206740

125 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-21354-2024
Date of Decision:23.11.2026

Ashok Swami …Petitioner

Vs.

State of Haryana and Anr. …Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr.DAG, Haryana.

***

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to quash the F.I.R No.223 dated 25.07.2023, under Sections 504, 505(2) of IPC and Sections 3(1) (r), 3(1)(u) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Dadri City (Annexure P-1) and charge sheet dated 25.09.2023 (Annexure P-8) and all subsequent proceedings arising out therefrom.

2. The F.I.R in the present case was registered on the basis of the statement made by Jitender Kumar and the same has been reproduced below:-

> *"To, The S.H.O., Police station City Dadri, Sir,*
> *It is requested that I, Jitender Kumar, posted as Agriculture Development Officer, Bond Kalan. As per the order No.2932/Camp/M.B. dated 22.07.2023 of the office of Deputy Commissioner, today on 25.07.2023, I alongwith Sh.Raj Kumar, Sub-Inspector, Station House Officer, Police*

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station, City Dadri and I am deputed as Duty Magistrate from 22.07.2023 to 31.08.2023 for controlling the emergency situation of water logging in City Dadri. Today at the old Bus Stand Dadri, the members of the Beopar Mandal, Dadri had arranged a public function in respect of the situation of water logging. In its support, many persons had joined, who were giving their views one by one. Ashok Swami, owner of Swami Mishthan Bhandar, Rohtak Chowk, Dadri present in the public gathering submitted his views. During his speech, he personally derogatory commented upon the Deputy Commissioner, Charkhi Dadri. He said that D.C. Madam is posted in Dadri. Her rank in UPSC was 500th. She was with my son and is belonged to Harijan quota. Nobody would post her as D.C. She has been posted as D.C. due to Harijan quota. On these comments, Satbir Chauhan, Councillor, Ward No.14 Dadri present in the public gathering and other persons of S.C. caste also protested. Some persons/you-tubers have also made its video. The Deputy Commissioner having been belonged to S.C., for lowering her and to harm the dignity of office, Ashok Swami has given the wrong and hatred comments. The video can be made viral on social media by general public, with which, the feeling of enmity and hatred can be increased in the general public. By commenting on a particular caste, he has hurt the sentiments of the persons of scheduled caste. No person should have given wrong comments against a particular caste publicly, with which the enmity would have increased between two communities and the society is divided. Thus Ashok Swami, in order to insult the Deputy Commissioner has made derogatory and caste related comments in a public gathering at a public place. With this, the sentiments of enmity and hatredness can be

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encouraged between S.C. and general category. Legal action be taken against him. Sd/- Jitender Kumar, Agriculture Development Officer, Bond Kalan, presently Duty Magistrate, City Dadri".

3. Learned counsel for the petitioner has vehemently argued that the petitioner has been falsely implicated in the present F.I.R and the complaint was lodged by the complainant only with the evil design of harassing and humiliating the present petitioner. In fact, the petitioner is a senior citizen and is owner of sweet shop at Rohtak Chowk, Dadi. In fact, the residents of Dadri Town were suffering from the situation of water logging in the city and the members of the Traders Association, Charkhi Dadri had organized a public meeting to protest against the same. While, addressing the same on 25.07.2023, the petitioner had allegedly stated that the Deputy Commissioner posted at Charkhi Dadri had secured 500 rank in U.P.S.C examination. She was the batch mate of his son and belonged to Harijan Quota. Since, she was from the Harijan Quota, she was appointed as Deputy Commissioner in the town. Pursuant to the said remark, a Councillor of Ward No.14, Dadri objected to the remark and immediately, thereafter, the petitioner had allegedly apologize to each and every person present there with folded hands and categorically stated that in case he had hurt anyone because of his comments or speech, he would apologize for the same. Thus, the intention of the petitioner was never to hurt the feelings of the persons belonging to Schedule Caste nor wanted to promote the feelings of hostility and hatred among the general public. He further submits that the F.I.R (Annexure P-1) was got registered by the complainant by twisting

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the entire version. In fact, the petitioner had never made any direct or indirect comments on the Scheduled Caste of the Deputy Commissioner and at the spur of the moment, certain unintended words were uttered by him, which cannot be termed as an atrocity on the members of the Scheduled Caste.

4. Learned counsel for the petitioner has vehemently argued that in the present case, the F.I.R was got registered by Jitender Kumar, Agricultural Development Officer, who does not belong to Scheduled Caste. Moreover, he had no *locus standi* to get the F.I.R registered being a third party and is not a victim in the present case. In fact, Section-2 of the Scheduled Castes and Scheduled Tribes Act, 1989 (hereinafter referred to as the "Act") defines the word "victim" and the complainant was not a victim in the present case. Still further, to initiate the criminal prosecution, it is necessary that the victim/complainant has to be a member of Scheduled Caste and Scheduled Tribes. In the present case, admittedly, the complainant does not belong to Scheduled Caste and has wrongly initiated proceedings in the present case. Apart from that, even from the alleged CCTV/video footage of the occurrence, it is apparent that the petitioner had not made any derogatory remarks against the persons belonging to Scheduled Caste. When the persons present in the public meeting confronted the petitioner with his words, he immediately tendered a public apology with folded hands and categorically stated that in case, any person belonging to Scheduled Caste community was hurt, he was apologetic for the same, however, the alleged incident was highly exaggerated by the complainant and it has been wrongly claimed that the incident had taken in ugly turn. He further contends that even from the allegations levelled by the

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complainant in the F.I.R, no offence under Sections 3(1) (r) and 3(1)(u) is made out against the present petitioner. It is an admitted fact that the petitioner had no intention nor had attempted to promote feelings of enmity, hatred or ill will against the members of the Scheduled Castes. Even, from the speech of the present petitioner, it was apparent that he had simply indulged in an intemperate rant which should have been avoided. However, there is nothing to suggest that he had intention to humiliate anyone and the ingredients of the offence either under Sections 3(1) (r) or 3(1)(u) were made out against him. Apart from that, the offences under Sections 504 and 505 (2) of IPC were also added simply to make the offence graver. Still further, it has been alleged in the F.I.R (Annexure P-1) that the words were intended to humiliate the Deputy Commissioner, who was posted at Dadri at the relevant time. However, it is an admitted fact that the statement of Deputy Commissioner was never recorded and even the challan has been presented by the police against the petitioner, without even after examing her as well as without even showing her to be a witness in the present case. Still further, the police also overlooked the abovestated stand taken by the petitioner before the police and the challan was presented before the Special Court in a hurry. Thus, the F.I.R No.223 dated 25.07.2023, under Sections 504, 505(2) of IPC, and Sections 3(1) (r), 3(1)(u) of Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act,1989, registered at Police Station Dadri City (Annexure P-1) and charge sheet dated 25.09.2023 (Annexure P-8) and all subsequent proceedings arising out therefrom are liable to be quashed by this Court.

5. Despite service, neither the respondent No.2 has appeared in

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person nor is represented by any learned counsel.

6. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had uttered caste related derogatory words against the Deputy Commissioner of Charkhi Dadri. Even, a video clip was prepared by some youtuber regarding the said occurrence, which clearly shows that the petitioner was involved in the crime. In fact, the use of foul language and passing of caste based comments in a public gathering at a public place by the petitioner with an intention to humiliate the Deputy Commissioner, could increase the enmity and hatred among the persons of Scheduled Caste community and the members of the general category. Even, during the course of investigation by D.S.P, Charkhi Dadri, the allegations were found to be correct. Still further, the investigation has been completed in the present case and the challan has been filed before the competent Court of law. However, he admitted that the Deputy Commissioner, against whom derogatory and caste related language was used, was never examined by the police nor she has been shown as a witness in the present case. Apart from that, it is also an admitted fact the complainant does not belong to Scheduled Caste category. Learned State counsel further submits that the ingredients under Sections 3(1) (r), 3(1)(u) of the “Act” were fulfilled in the present case and impugned F.I.R and charge-sheet are liable to be upheld by this Court.

7. I have heard the learned counsel for the parties and perused the record.

8. In view of the submissions made before this Court, the first and

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foremost question, which arises for consideration before this Court, is whether the complainant/first informant in the present case had the *locus standi* to lodge the F.I.R agaisnt the petitioner in the present case. In Black's Law Dictionary, the meaning assigned to the term "*locus standi*" is "the right to bring an action or to be heard in a given forum". One of the meanings assigned to the term "*locus standi*" in Law Lexicon of Sri. P. Ramanatha Aiyar is "a right of appearance in a Court of Justice". The traditional view of *locus standi* has been that the person who is aggrieved or affected has standing before the Court i.e, only he has the right to move the Court to seek justice. Even though, the criminal trials under the provisions of Indian Penal Code are largely governed by the procedure laid down by Code of Criminal Procedure. However, the "Act" is a special statute, which was enacted with a view to prevent the commission of offences of atrocities against the members of Scheduled Caste and Schedule Tribes, to provide for Special Courts for trial of such offences as well as for the relief and rehabilitation of victims of such offences. Section 2 (ec) defines "victim" in the present case, which has been reproduced below:-

> *"victim" means any individual who falls within the definition of the "Scheduled Castes and Scheduled Tribes" under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;"*

9. Apart from that, by way of an Amendment Act No.1 of 2016, Chapter IV-A of the "Act" (Rights of Victims and Witnesses) was inserted in

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the statute by the Parliament by way of an amendment. Even, Section 15-A and other elaborate provisions made in the "Act" clearly highlighted the rights of the victim and the witnesses. Wherever, any proceedings are initiated relating to the atrocities committed on the victims, they shall have a right to be heard at any proceedings under the "Act". Even, the word victim in the "Act" has been given a wider meaning and the definition of victim in the "Act" includes any individual, who falls within the definition of Scheduled Castes and Scheduled Tribes and has suffered physically, mentally, physchologically or monetary harm or suffered harm to his property. In case, any such person sustains injuries arising out of the crime, then he himself, his parents and family members are also to be included in the definition of victim and even they would be competent to initiate the proceedings against the accused in a case. Any person, who had not even suffered any damage or harm either to himself, his family members or to his property cannot be construed as victim and would not be competent to lodge the F.I.R against the accused in any case. Even otherwise, in a matter of "***Bhagwant Singh Randhawa and Anr. Vs. State of Punjab, CRM-M-42685-2021,*** this Court has noticed the misuse of the proceedings of the Act and directed the DGP, Punjab to issue instructions to all the Senior Superintendents of Police in the Districts that no F.I.R under the "Act" should be registerd at the instance of a third party, unless an opinion is sought from the District Attorney (Legal) that the complainant falls within the definition of victim as per the provisions of the "Act".

10. In the present case also, I find sufficient force in the submissions made by learned counsel for the petitioner that Jitender Kumar, complainant

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cannot be termed as an aggrieved party or a victim in the present case. Even, no word was uttered either to humiliate him or disgrace him in any manner. Even, it was the Deputy Commissioner, who could be at the most aggrieved person in the present case, who even did not join the investigation in the present case and has not been shown as a witness in the instant case. Even otherwise, the complainant does not belong to Scheduled Caste and had not suffered any harm or injury in the present case. Thus, the complainant in the present case had no *locus standi* to lodge the F.I.R in the present case. Still further, after the registration of the F.I.R, the investigation was conducted by the police in the present case. From the list of witnesses, it is apparent that the then Deputy Commissioner, Charkhi Dadri was neither associated during the investigation nor was shown as a witness in the present case, whereas, the utterances were allegedly made by the petitioner against the Deputy Commissioner only. Apart from that, the law is well settled that when the words are uttered by a person publicly, the person, who feels aggrieved should come forward and state in clear words that the words were aimed at insulting or attempting to insult the complainant or any other member of the Schedule Caste. In the present case, it is also apparent that the petitioner had not used the word “Harijan” intentionally to insult either the Deputy Commissioner or any other member of Scheduled Caste. Even, from the words uttered by the petitioner, it is apparent that the petitioner had at the worst questioned the intelligence/competence of the Deputy Commissioner and had not stated anything against the members of the Scheduled Caste. He had simply stated that by taking advantage of reservation in Government jobs, the Deputy Commissioner was selected by the U.P.S.C and

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due to her Harijan Caste, she was deputed as a Deputy Commissioner. Even from the facts of the present case, it is also apparent that the petitioner was an ordinary shopkeeper in the market of Charkhi Dadri and was speaking on the occasion of a public protest, as the businessman in the area were suffering due to water logging in the market. Consequently, the speech, which was allegedly made by the petitioner was extempore and he had uttered certain objectionable words against the Deputy Commissioner, which were not in good taste. Even otherwise, in determining whether the unguarded words uttered by the petitioner were beyond the standard of everyday beliefs and habits, the F.I.R has to be read as a whole and the whole context has to be appreciated by the Courts. In the present case, the petitioner had not uttered the word "Harijan" intentionally to insult anyone including the Deputy Commissioner and can be at the worst the innocent words of a shopkeeper, who was already suffering due to apathy on the part of the district administration as well as the Deputy Commissioner. Moreover, a third person can never cast a meaning on it to bring it within the compartment of insult, intimidation and humiliation of "victim" and humiliation, specially when he does not belonged to Scheduled Caste.

11. In the present case, the police has presented the impugned challan (Annexure P-8) against the present petitioner under Sections 3(1) (r), 3(1)(u) of the "Act" are reproduced below:-

Section 3(1) (r) and 3(1)(u) of the "Act" are reproduced below:-

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

"3(1)(u) by words either written or spoken or by signs

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or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;".

12. While interpreting these provisions, the Hon'ble Supreme Court has held in the matter of "***Hitesh Verma Vs.State of Uttrakhand and Anr."*** ***AIR 2020 Supreme Court 5584*** as under:-

12. The basic ingredients of the offence under Section 3(1)(r) of the Act can be classified as "1) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe and 2) in any place within public view".

13. The offence under Section 3(1)(r) the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the Society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that respondent No.2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent No.2 is member of Scheduled Caste.

14.XXXX XXXX XXXX

15.XXXX XXXX XXXX

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16.XXXX XXXX XXXX

*17.In another judgment reported as "**Khuman Singh Vs. State of Madhya Pradesh, 2019 SCC Online SC 1104** this Court held that in*

a case for applicability of Section 3(2)(v) of the Act, the fact that the deceased belonged to Scheduled Caste would not be enough to inflict enhanced punishment. This Court held that there was nothing to suggest that the offence was committed by the appellant only because the deceased belonged to Scheduled Caste. The Court held as under:

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

13. In the present case also, the basic ingredients of the offences under Sections 3(1) (r) and 3(1)(u) of the "Act" are completely missing in the present case. In fact, from the contents of the F.I.R, it is apparent that there is nothing on record to indicate that the alleged words of the petitioner were motivated for the reasons that the Deputy Commissioner is a Member of Scheduled Caste or a Scheduled Tribe. Moreover, the wording in the F.I.R, do not meet the essential ingredients of any of the offences and in the considered opinion of the Court, the petitioner had no intention to humiliate the Deputy Commissioner. This fact

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is also established on record by the wording of the petitioner himself in the video footage. In fact, when some other persons present in the public meeting had objected to the unpleasant words of the present petitioner, he apologize with folded hands and also stated that in case, anybody was hurt due to his words, he would apologize to him. Thus, it can be said that the incident had been exaggerated by the complainant himself and it had never taken any ugly turn in public view as alleged by the complainant. It was a pure and simple remark by an old shopkeeper during his extempore speech under the peculiar facts and circumstances and had stated certain objectionable words at the moment, without carrying requisite intention to humiliate the Deputy Commissioner or any other member of the Schedule Caste. Apart from that, even from the allegations levelled by the complainant in the F.I.R, no offences under Sections 504 and 505(2) of IPC are made out against the petitioner. The petitioner never intended to insult or provoke any other person nor the words uttered by him were intended to promote enmity, hatred or ill will between the classes. Even, there was no breach of public peace nor anybody was provoked by such words. In fact, few shopkeepers were holding a demonstration due to water logging in the market and in a fit of rage, the petitioner had made certain comments regarding the competence of Deputy Commissioner. Thus, it is apparent that the basic ingredients of the offences alleged against the present petitioner were completely lacking in the present case.

14. As a result of above discussion, the present petition succeeds and the impugned F.I.R No.223 dated 25.07.2023, under Sections 504, 505(2) of IPC, and Sections 3(1) (r), 3(1)(u) of Schedule Castes and Schedule Tribes

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(Prevention of Atrocities) Act,1989, registered at Police Station Dadri City (Annexure P-1) and charge sheet dated 25.09.2023 (Annexure P-8) and all subsequent proceedings arising out therefrom are quashed by this Court.

(N.S.SHEKHAWAT)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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