



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 2446 OF 2026
(Arising out of SLP(Crl.) No. 9198 of 2025)

**GUNJAN @ GIRIJA KUMARI
AND OTHERS**

...APPELLANTS

VERSUS

**STATE (NCT OF DELHI)
AND ANOTHER**

...RESPONDENTS

J U D G M E N T

N.V. ANJARIA, J.

Leave granted.

2. The challenge in this appeal is directed against judgment and order dated 22.08.2024 passed by the High Court of Delhi at New Delhi¹, dismissing Criminal Revision Petition No.114 of 2023 and Criminal Miscellaneous Application No.3181 of 2023, filed by the appellants-accused herein.

¹ Hereinafter, "High Court".

2.1 In the Criminal Revision Petition, what was called in question, was the order passed by the Court of Additional Sessions Judge-02, Tis Hazari Court, Delhi² dated 26.11.2022 on framing of charges as well as order dated 30.11.2022, whereby the charges were framed. Against appellant No.1-accused No.1 Smt. Gunjan @ Girija Kumari w/o Shri Laxman Dass, charge came to be framed by the trial court in respect of the offences under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989³, whereas against all the appellants-accused including appellant No.1, charge was also framed under Section 506 read with Section 34 of the Indian Penal Code, 1860⁴. The prayer of the appellants to quash the said orders was rejected and the Criminal Revision Petition came to be dismissed by the High Court.

3. The complainant and the accused persons happen to be family members. Appellant Nos.2 and 3 and respondent No.2-complainant are real brothers. Appellant Nos.1 and 4 are legally wedded wives of appellant Nos.2 and 3

² Hereinafter, "trial court".

³ Hereinafter, "SC/ST Act".

⁴ Hereinafter, "IPC".

respectively. The wives hail from castes other than Scheduled Castes or Scheduled Tribes. Their husbands, that is appellant Nos.2 and 3 as well as respondent No.2-complainant, belong to Scheduled Castes. By virtue of marriage, the wives, it was contended, also stood to belong to caste and community of their husband's as well as that of respondent No.2-complainant. The facts on record and the pleadings suggest that a dispute existed between the parties in respect of the properties of their late father named Shri Nand Kishore, situated at Hari Nagar and Ramesh Nagar.

3.1 First Information Report⁵ No.42 of 2021 came to be registered on 30.01.2021 with the Kirti Nagar Police Station, pursuant to a complaint lodged by respondent No.2-complainant. It was *inter-alia* stated that on the day of the incident, that is on 28.01.2021, the appellants misbehaved with the complainant. According to the complainant, appellant No.1 hurled casteist abuses against respondent No.2-complainant and the other appellants gave threats.

⁵ Hereinafter, "FIR".

3.1.1 It was stated in the complaint that when the friends of respondent No.2-complainant named Chandra Prakash @ Chini and Bobby had come to meet him, appellant No.1, by making caste-based slurs, using words like *chura*, *chamar*, *harijan*, dirty drain etc., addressed and insulted the complainant and his wife. It was stated that the accused were trying to break open the lock of the house when the incident took place.

3.1.2 The narration in the complaint was prefaced by mentioning that appellant No.1, who belonged to a particular upper caste, was in the habit of using abusive words as above and that it was for over one year that appellant No.1 had been harassing by addressing the complainant, his wife and their child with derogatory words as above, from her balcony or from the ground floor in the house particularly when some friends or other persons would come.

3.2 The complaint resulted into registration of FIR as above, culminating into Sessions Case being SC No. 253 of 2021 upon completion of the investigation. The trial court, in its order dated 26.11.2022, viewed that the charges were

required to be framed. It actually framed the charges as per order dated 30.11.2022 under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act against appellant No.1 and under Section 506 read with Section 34, IPC against all the appellants. The High Court rejected the challenge to the said orders and maintained the charges by the impugned judgment and order.

3.3 According to the High Court, charges were properly framed inasmuch as at the stage of framing of charges, the court was not required to evaluate the evidence, nor was supposed to hold a mini trial. According to the High Court, there were allegations in the complaint that the appellants acted in furtherance of common intention, that appellant No.1 hurled abuses towards respondent No.2-complainant and that the appellants also threatened to kill him and to falsely implicate him in a molestation case. The High Court observed that witness Chandra Prakash, in his statement recorded under Section 161 of the Code of Criminal Procedure, 1973⁶ corroborated the statement of respondent No.2-complainant made in the complaint to go to show that

⁶ Hereinafter, "Cr.PC".

the caste-based remarks were used against respondent No.2-complainant and the offences as per the charges framed were committed.

4. Heard learned counsel Mr. Avadh Bihari Kaushik for the appellants as well as learned Additional Solicitor General Ms. Archana Pathak Dave assisted by learned advocate-on-record Mr. Mukesh Kumar Maroria and other learned advocates on behalf of the respondents.

4.1 Assailing the impugned judgment and order, it was submitted on behalf of the appellants that neither the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act were made out from the statements and contents of the FIR, more particularly, when the offence under the SC/ST Act was not shown to have been committed at “a place within public view” which was an essential requirement to constitute the offences in question, nor the averments in the complaint revealed the ingredients of offence under Section 506 read with Section 34, IPC. On the other hand, learned counsel for the respondents supported the impugned judgment and order, urging to dismiss the appeal.

5. While examining the challenge to the impugned judgment and order of the High Court and in turn, the merits of the order of framing of the charge passed by the trial court, the provisions of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, which are the offences alleged against appellant No.1 and for which she has been charged, may be looked into.

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

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

(a) to (q)

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

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

5.1.1 The offence under Section 3(1)(r) of the SC/ST Act can be said to have been committed when a person not belonging to Scheduled Caste or Scheduled Tribe intentionally insults or intimidates with an intent to humiliate a person belonging to Scheduled Caste or

Scheduled Tribe in any place within public view. Offence under Section 3(1)(s) of the SC/ST Act is made out when any member of the Scheduled Caste or Scheduled Tribe is abused by caste name in any place within public view.

5.2 The ingredients of the offences are that there has to be an intentional insult or intimidation which has to be with an intent to humiliate a member of Scheduled Caste or Scheduled Tribe or that such member of Scheduled Caste or Scheduled Tribe is abused by caste name by a person who does not belong to Scheduled Caste or Scheduled Tribe. The common essential for constituting the offence under both the Sections is that the insult or intimidation under sub-clause (r) or hurling of abuses under sub-clause (s) have taken place “in any place within public view”.

5.3 All the appellants are framed for the offence under Section 506 read with Section 34, IPC. Section 506, IPC is about punishment for the offence of criminal intimidation whereas the offence of criminal intimidation is defined in Section 503, IPC. It says that whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is

interested, and when the same is done with an intent to cause alarm to that person, commits criminal intimidation. Section 34, IPC speaks about the acts done by several persons in furtherance of common intention.

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

5.5 In **Swaran Singh and Others vs. State through Standing Counsel and Another**⁷, the place where the informant was insulted by the appellant by calling him ‘*chamar*’ was one where he had been standing near the car which was parked at the gate of the premises of his employer. This Court held that such place was “a place

⁷ (2008) 8 SCC 435

within public view”. The argument that the alleged act was not committed in a public place and hence did not come within the purview of the offence under the SC/ST Act was negated by explaining a fine distinction between the expression ‘in any place within public view’ as used in the provision and the expression ‘public place’.

5.5.1 It was stated that the expression ‘a place within public view’ could not be confused with the expression ‘public place’. It was highlighted that a place can be a private place yet can be within public view,

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

(Para 28)

5.6 Swaran Singh (supra) came to be relied on by this Court in **Hitesh Verma vs. State of Uttarakhand and Another**⁸ in respect of the concept of ‘place within public

⁸ (2020) 10 SCC 710

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

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

“It could thus be seen that, to be a place ‘within public view’, the place should be open where the

⁹ 2025 SCC OnLine SC 215

members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view.”

(Para 11)

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

5.8 A decision of the Karnataka High Court in **Sri Rithesh Pais vs. State of Karnataka, by Puttur Town P.S. and Another**¹⁰ may also be noticed to be relevant, in which the offence was held to be not made out as the chargesheet

¹⁰ ILR 2022 KAR 4613

material showed that the hurling of the abuses had happened in the basement and within the walls of the basement, holding that the basement of the building was not “a place within public view”.

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

6. Having appreciated the aspect that the requirement that the occurrence of the incident of insult or abuse, towards the member of the Scheduled Caste or Scheduled Tribe has to be in “a place within public view”, making the same a necessary condition for constituting the offence

under the SC/ST Act, the facts in the present case may be attentively noticed.

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

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

6.3 As per the averments in the FIR, on the relevant date that is on 28.01.2021, the altercation occurred at the time

when the appellants were trying to break open the house of respondent No.2-complainant. According to respondent No.2-complainant, appellant No.1 hurled casteist slur in an abusive way to insult him and his wife. All the appellants-accused, it was further alleged, intimidated respondent No.2-complainant and also threatened to implicate him in molestation charge.

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

6.5 Not only that it was not stated that it was “a place within public view” or that the outsiders or the members of the family were present at the time, the details mentioned in the FIR clearly indicated that the place of occurrence of the incident was inside the residential house. Referring to the facts stated and the contents of FIR in this regard, firstly the FIR is silent about the place of occurrence of the alleged

incident. Secondly, point No.5(b) in the FIR mentioned the place of occurrence at the address stated as “7/38, Ramesh Nagar, New Delhi”, which was admittedly a residential home. Similarly was recorded the address of respondent No.2-complainant in point No.6(e) in the FIR to reinforce that it was the place of residential house where the occurrence took place. Thirdly, in the charge-sheet filed before the court, the very residential address “7/38, Ramesh Nagar, Kirti Nagar, Delhi” was mentioned to suggest the place of occurrence.

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

6.7 All material facts go to suggest that the alleged incident took place in a private place and within four walls of the house of respondent No.2-complainant and the appellants, who all are family members. While the allegation in the FIR was, as stated, that respondent No.2-complainant had been suffering similar kind of incidents since long and for last one year, it was not stated anything specific in respect of those earlier incidents with regard to the incident for which the complaint was filed, it was not indicated that any independent member of public was present to witness the occurrence. Once that is so, to suggest that the house place was not exposed to public eye or public gaze, a residential house in no way becomes “a place within public view”.

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

treated as more reliable, for, at the subsequent stage, there would be a scope and room for improvisation.

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

8.1 In **Amar Nath Jha vs. Nand Kishore Singh and Others**¹², this Court noted that the defect in the FIR was in the nature of non-mentioning of the name of material witness PW-1 which was treated as a basic defect in the

¹¹ 1992 Supp (1) SCC 335

¹² (2018) 9 SCC 137

hypothesis portrayed by the prosecution. The Court, in that context, observed, “although we accept that the FIR need not be an encyclopaedia of the crime, but absence of certain essential facts which are conspicuously missing in the present FIR, point towards suspicion that the crime itself may have been staged”.

8.2 Also in **Ramesh Chandra Vaishya vs. State of Uttar Pradesh and Another**¹³, this Court found absence of requisite ingredients of the offence under the SC/ST Act holding that the offence was not committed at “a place within public view”. It was observed that even though the appellant in that case might have abused the complainant, but such abuse by itself and without anything more does not warrant subjecting the appellant to face a trial, particularly in view of the clear absence of the ingredients necessary to constitute the offence.

9. Thus, it is trite principle that the FIR becomes liable in law to be quashed when it, in its bare reading, does not disclose the necessary ingredients to constitute the offence

¹³ (2023) 17 SCC 615

alleged therein. The basic constituents of the offence alleged in the FIR must stem and stand disclosed from the contents of the FIR. In order that the FIR alleging any action is sustainable in law to be a good and acceptable document to proceed criminally against any accused named therein or any person to be made accused on its basis, it must manifest and reveal basic ingredient of the offence(s) alleged therein. For an offence to be made out under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, as is the question in the instant case, the requirement that the occurrence has to be “in a place within public view” is not satisfied, is missing and absent.

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

requirement that the place must be one “within public view” can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a *sine qua non* for making out the offence under the SC/ST Act.

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

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

the offence under Section 506, IPC was alleged against the appellants to conjunct the same with the offence alleged under the SC/ST Act which are not made out.

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

11. For the aforesaid reasons and discussion, it is evident that the charge could not have framed and was wrongly framed by the trial court against the appellants-accused for the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act and under Section 506 read with Section 34, IPC. The judgment and orders dated 22.08.2024 passed by the High Court of Delhi, dismissing the Criminal Revision Petition No.114 of 2023 and Criminal Miscellaneous

Application No.3181 of 2023, are not sustainable in eye of law.

12. The impugned judgment and order of the High Court dated 22.08.2024 as well as both the above orders of the trial court dated 26.11.2022 and 30.11.2022 are hereby set aside.

13. FIR No. 42 of 2021 dated 30.01.2021 registered with the Police Station, Kirti Nagar, Delhi and the charge-sheet filed against the appellants-accused for the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act as well as for the offences under Section 506 read with Section 34, IPC stand quashed.

14. The appeal is allowed.

In view of disposal of the appeal as above, the interlocutory applications, if any, shall not survive.

.....**J.**
[PRASHANT KUMAR MISHRA]

.....**J.**
[N.V. ANJARIA]

NEW DELHI;
MAY 11, 2026.