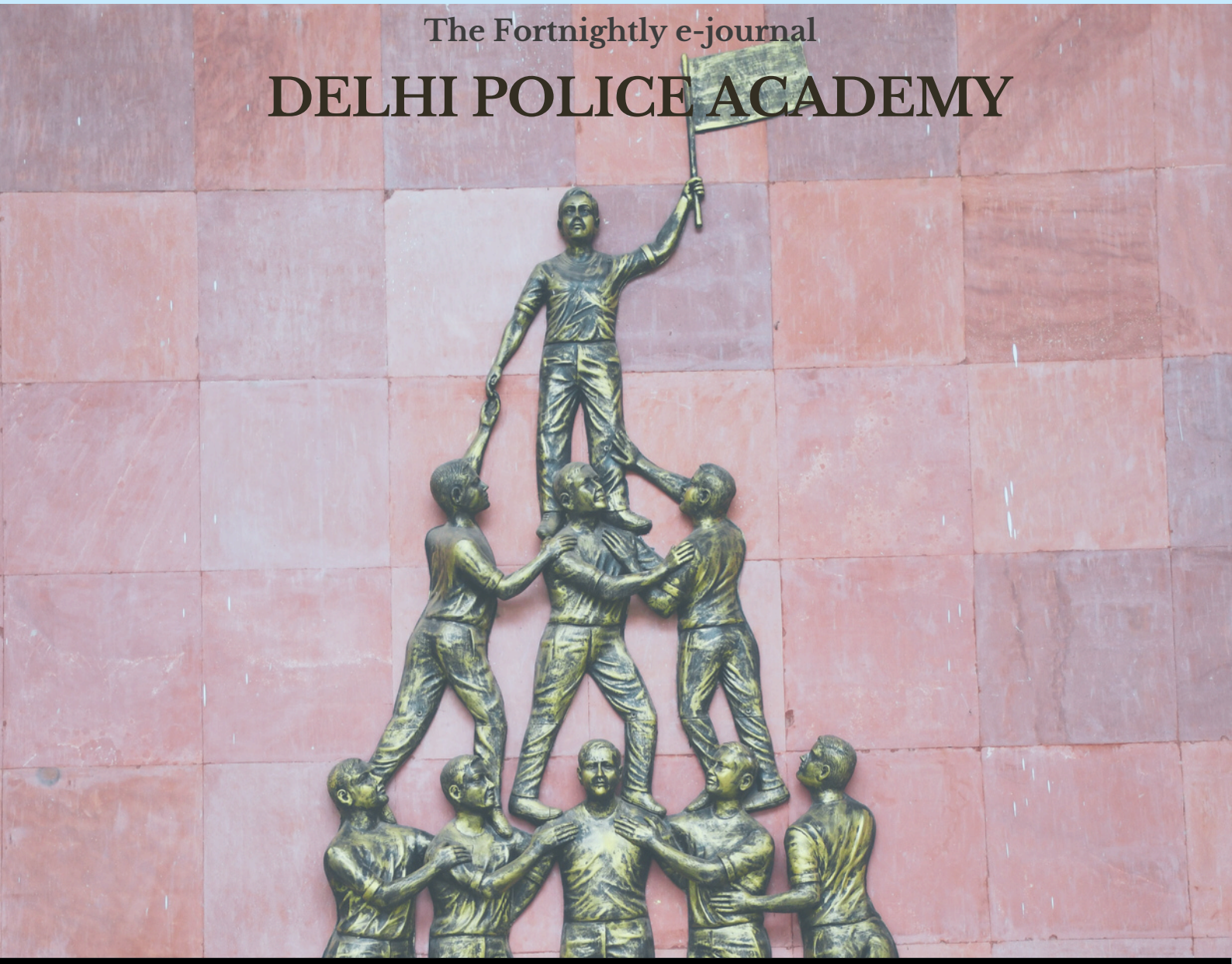
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DELHI POLICE ACADEMY



SUPREME COURT OF INDIA

KARUPPUDAYAR .....APPELLANT(S)

VERSUS

STATE REP. BY THE DEPUTY SUPERINTENDENT OF POLICE, LALGUDI TRICHY & ORS. .....RESPONDENT(S)

Caste Abuse Within Four Walls, Without Public View, Not an SC/ST Act Offence: Supreme Court

CRIMINAL APPEAL NOS. 496-497 OF 2025 [Arising out of Special Leave Petition (Criminal) No.8778- 8779 of 2024]

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Date of Judgement: 31/01/2025

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Facts of the Case:

The case arises from an incident on September 2, 2021, when the appellant, Karuppudayar, approached the third respondent, Mr. Ravikumar, a Revenue Inspector, to inquire about the status of a petition regarding the inclusion of his father's name in a patta (land ownership document). A dispute ensued between them, during which the appellant allegedly abused Mr. Ravikumar by referring to his caste name at the Revenue Divisional Office, Lalgudi, Tiruchirappalli. Consequently, a complaint was filed by the Revenue Inspector, leading to the registration of Crime No. 676 of 2021 under Sections 294(b) and 353 of the Indian Penal Code (IPC), along with Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC-ST Act). Following an investigation, a charge sheet was filed, and the case was committed to the Sessions Court as Spl. S.C. No. 7 of 2022. The appellant subsequently filed a petition under Section 482 of the Code of Criminal Procedure (CrPC) before the Madras High Court, seeking to quash the proceedings. The High Court dismissed the petition, holding that the appellant would not suffer prejudice by facing trial. Aggrieved, the appellant approached the Supreme Court.

Issues Advanced:

Whether caste-based abuse directed at an individual in a private space, within four walls, and in the absence of any other person constitutes an offense under Sections 3(1)(r) and 3(1)(s) of the SC-ST (Prevention of Atrocities) Act, 1989, considering the statutory requirement that the act must occur “in a place within public view.”

Judgement:

The Hon’ble Supreme Court heard both parties and observed that to appreciate the rival submissions, it would be apposite to refer to the provisions of Sections 3(1)(r) and 3(1)(s) of the SC-ST Act, which read thus:

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

(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;”

In its detailed analysis, the Supreme Court focused on the interpretation of Sections 3(1)(r) and 3(1)(s) of the SC-ST Act, particularly examining the crucial phrase "any place within public view."

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The relevant paras are reproduced as under:

Para 9. A perusal of Section 3(1)(r) of the SC-ST Act would reveal that for constituting an offence thereunder, it has to be established that the accused intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view. Similarly, for constituting an offence under Section 3(1)(s) of the SC-ST Act, it will be necessary that the accused abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view.

Further, the Hon'ble Apex Court drew upon precedents, notably the Swaran Singh case and Hitesh Verma case, which had established important distinctions between "public place" and "place within public view." These precedents clarified that while a private place could be considered within public view if visible to the public, the location must be one where members of the public can witness or the alleged offensive utterances.

The Hon'ble Supreme Court observed as under:

"Para 11. It could thus be seen that, to be a place 'within public view', the place should be open where the 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."

Examining the FIR's contents at face value, the Court noted that the incident occurred within the confines of the complainant's office chamber. The FIR indicated that other colleagues arrived only after the alleged incident had taken place. This timing was crucial to the Court's determination that the location did not qualify as a "place within public view" as required by the SC-ST Act, since the alleged offensive statements were made within four walls where members of the public were not present.

The Supreme Court held that since the incident has not taken place at a place which can be termed to be a place within public view, the offence would not come under the provisions of either Section 3(1)(r) or Section 3(1)(s) of the SC-ST Act.

The Supreme Court ultimately allowed the appeals, quashing both the High Court judgment and the charge sheet in Special SC No.7 of 2022, along with all subsequent proceedings.