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DELHI POLICE ACADEMY

Special Leave Petition (Criminal) No. **9198 of 2025, Crl. (A) 2446 of 2026**
Date of Judgment: **11/05/2026**
Act and Section involved:- **3(1)(r) and 3(1)(s) of the SC/ST Act**

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Gunjan @ Girija Kumari .....Petitioner(s)
Versus
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Facts of the case

There are 4 appellants and 2 respondents in this matter. Appellant Nos. 2 and 3 and respondent No. 2 (complainant) are real brothers and belong to Scheduled Castes. Appellant Nos. 1 and 4 are legally wedded wives of appellant Nos. 2 and 3 respectively. The wives hail from castes other than Scheduled Castes or Scheduled Tribes.

On 28.01.2021, an altercation took place inside a residential house. The appellants misbehaved with the complainant and hurled casteist abuses against respondent No. 2 (complainant) and the other appellants gave threats. FIR No. 42/2021, Dated 30.01.2021 was registered at PS Kirti Nagar, pursuant to a complaint lodged by respondent No. 2. It was also alleged 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.

The investigation of the case was conducted and chargesheet was filed. The Trial Court, vide its order dated 30/11/2022, framed charges u/s 3(1)(r) and 3(1)(s) of the SC/ST Act against appellant No. 1 and u/s 506/34, IPC against all the appellants. The High Court rejected the challenge to this charge orders against appellants.

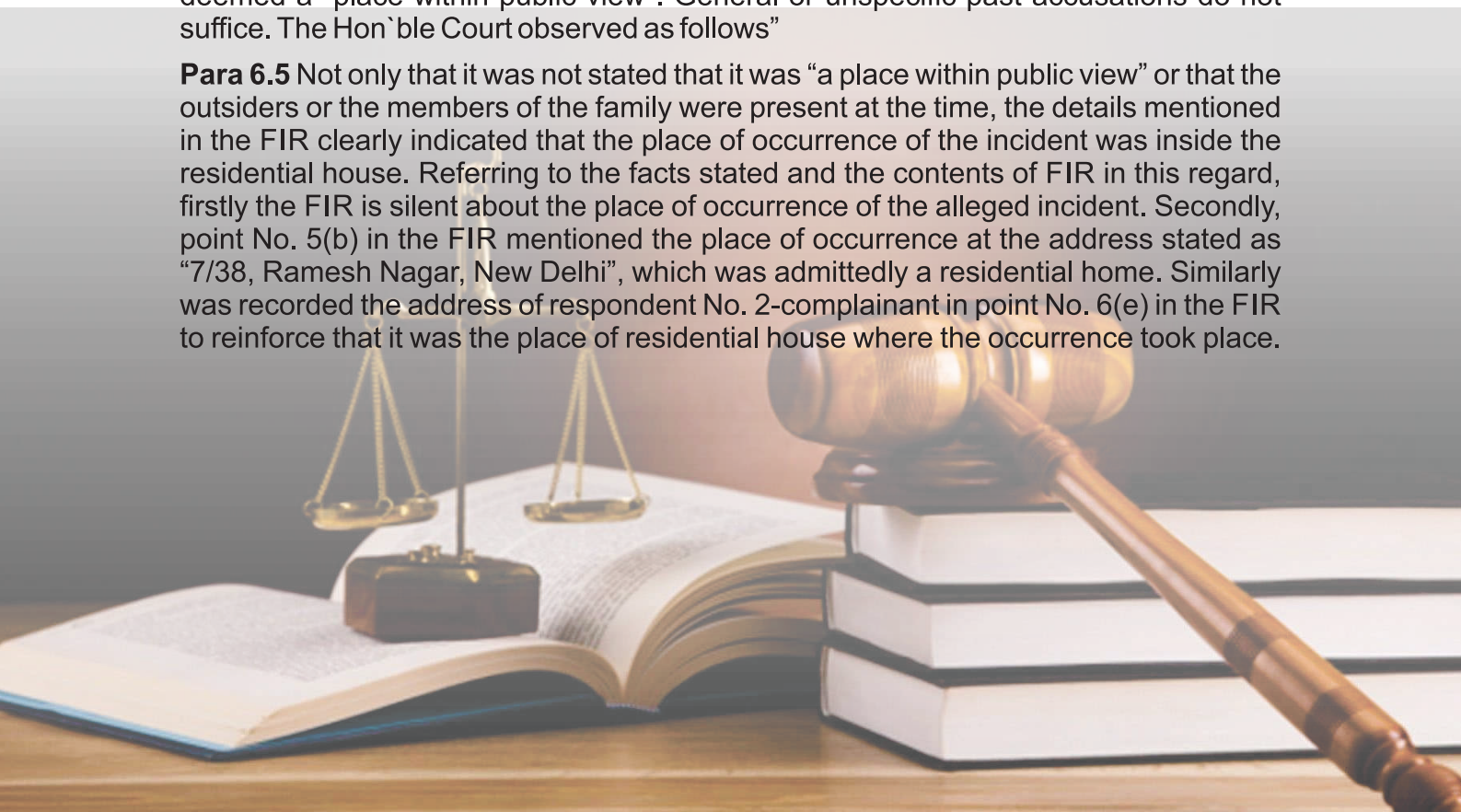
Issue involved:-

Whether the essential ingredient of the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act specifically that the incident must occur "in any place within public view" was satisfied given that the altercation took place inside a private residential house.

Judgement

The Hon`ble Supreme Court observed that for an offence to be established under Sections 3(1) (r) and 3(1) (s) of the SC/ST Act, the hurling of casteist abuses must happen in a place within "public view". A private residential house, where no independent members of the public are present to witness the occurrence, cannot be deemed a "place within public view". General or unspecific past accusations do not suffice. The Hon`ble Court observed as follows”

Para 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.

Para 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”

Para 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 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.

Para 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.

The Hon`ble Supreme Court **allowed the Appeal** and quashed the case.

