

SPECIAL COURT UNDER THE SCHEDULED CASTES AND SCHEDULED
TRIBES (POA) ACT / PRINCIPAL SESSIONS COURT, CHENNAI

**Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,
Principal Sessions Judge.**

Monday, the 27th day of July, 2026

Crl.M.P.No. 2/2025

in

Spl.SC.No. 65/2025

in

Crime No. 15/2024

Anu P. Chacko,

.. Petitioner/Accused

Vs.

State Rep.by its
Inspector of Police,
W-1, AWPS, Thousand Lights,
Chennai.

.. 1st Respondent /complainant

2. Shiny K. Madhavan

... 2nd respondent / defacto
complainant

This petition is coming on this day before this court for hearing in the presence of M/s.V.Krishnamoorthy, R.Thirumoorthy, C.Udhaya Raj, Priyadharshini M.V. the Counsel for the petitioner and M/s. M. Sudhakar, Special Public Prosecutor for SC & ST Act/1st respondent police and Mrs. Nair P. Sridevi Pradeep, the counsel for the 2nd respondent/defacto complainant and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner/Accused has come up with present application seeking for discharge from the offence alleged.

2. The petitioner, in his petition, submitted as below:

The defacto complainant has lodged a complaint on 16.06.2024 before the Karuckachal Police station at Kottayam District, Kerala as the petitioner was intentionally humiliated and insulted the defacto complainant using her caste name on a day in December 2016 and also on 16.05.2023 at Hotel Rain Drops, Greams Road, Chennai which is an undertaking of Kerala Tourism Development Corporation (KTDC). The petitioner allegedly uttered that “No Parayan and Pulayan shall try to dominate here” and insulted the complainant thereby causing mental agony and ignominy to the complainant. Based on the complaint, a FIR in Cr.No. 592/2024 for the offences punishable u/s. 3(1)(s) of SC & ST (POA) Act was registered against the Accused in the State of Kerala and subsequently it was transferred to the respondent police since it was happened within the jurisdiction of the respondent police. There are no sufficient grounds for proceeding against the Accused. The petitioner has not insulted the defacto complainant in public view before others. Hence the offence does not attract. Hence prays to discharge the petitioner.

3. The 1st respondent/police in its counter contended as below.

The 1st respondent has denied all the averments made therein as false, untrue, baseless, frivolous and vexatious. The above discharge petition is not maintainable both in law and on facts. The petitioner with the knowledge of the fact that the defacto complainant belongs to SC Community (Hindu Sambava) and with the intention and preparation for humiliating the defacto complainant using her caste

name before the public view, intentionally humiliated and insulted the defacto complainant by calling her caste name, thereby causing mental agony and ignominy to the defacto complainant. The investigation reveals that the petitioner/Accused has committed the offence and is liable to be punishable for the offence punishable u/s. 3(1)(s) of SC & ST (POA) Act. It is premature to seek discharge from the case and the same is ultimately unwarranted and evading from the trial process. The trial process will unearth the facts and it is inappropriate to discharge the petitioner/Accused at this preliminary stage. Hence, prays to dismiss the discharge petition filed by the petitioner/Accused.

4. The 2nd respondent/defacto complainant in its counter contended as below.

The defacto complainant states that she belongs to Schedule caste and was appointed under this category in KTDC, working as Assistant Linen Keeper at Rain Drop Hotel, Greams Road, Chennai. The Accused belongs to General Category (Roman Catholic), working as a Assistant Manager at the same hotel. He very well knows about the caste of the defacto complainant. Since, the defacto complainant refused to sign, the Accused scolded her and insulted her by projecting her caste name as “No Parayan and Pulayan shall try to dominate here” in front of other staff in the hotel. There is no single ground in favour of the Accused to discharge. Hence, the petitioner cannot be discharged from the above case. Hence, it is prayed to dismiss the application for discharge filed by the petitioner.

5. The petitioner, respondents are heard at length. The Petition and counter affidavits are perused. The prosecution materials are perused.

6. Point for determination is

Whether the petitioner is entitled to be discharged from the charges alleged against the petitioner?

ANSWER:

7. This court has given its thoughtful consideration to the rival submissions put forth by either side. On careful perusal of records, it is found that, the 2nd respondent/defacto complainant has made a complaint before the Karuckachal Police Station, Kottayam, Kerala State. In the complaint, it is alleged that the Accused belongs to Christian Roman Catholic Community. The Complainant belongs to Schedule Caste Community (Hindu Sambava). With the intention to humiliate the defacto complainant, using her caste name before others, the petitioner herein allegedly intentionally humiliated and insulted the complainant by calling her caste name on a day in December 2016, and also on 16.05.2023, at Raindrop hotels, Greams Road, Chennai, which is an undertaking of Kerala State Tourism Development Corporation saying that “No Parayan and Pulayan shall try to dominate here” and insulted the defacto complainant, thereby causing mental agony and ignominy to the defacto complainant.

8. The said complaint was registered in Crime No. 592/2024 for the offence punishable u/s. 3(1)(s) of SC & ST (PoA) Act and the same was transferred to 1st

respondent police, which was re- registered in Crime No. 15/2024 dated 29.12.2025. The 1st respondent has conducted the investigation and laid final report before this court, stating that the 1st respondent herein committed the offence punishable u/s. 3(1)(s) of SC & ST (PoA) Act.

9. The only contentions raised by the learned counsel for the petitioner /appellant is that as per sec. 3(1)(s) of SC & ST (PoA) Act, the utterances should be made in public view. However, the said utterances were not made in the public view, even as per the First Information Report and other statements of witnesses. The learned counsel for the petitioner contended that, what is public view is explained by the Hon'ble High court in ***Karuppu Udayar -Vs. State, Rep by the DSP, Lalgudi, Tiruchy and others***, para no. 10 , 11 is as follows:

“10. The term “any place within public view” initially came up for consideration before this Court in the case of Swaran Singh and others v. State through Standing Counsel and another (2008) 8 SCC 435. This Court in the case of Hitesh Verma v. State of Uttarakhand (2020) 10 SCC 710 and another referred to Swaran Singh (supra) and reiterated the legal position as under:

“14. Another key ingredient of the provision is insult or intimidation in “any place within public view”. What is to be regarded as “place in public view” had come up for consideration before this Court in the judgment reported as Swaran Singh v. State [Swaran Singh v. State, (2008) 8 SCC 435 : (2008) 3 SCC (Cri) 527] . The Court had drawn distinction between the expression “public place” and “in any place within public view”. It was held that if an 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, then the lawn would certainly be a place within the public view.

On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view (sic) [Ed. : This sentence appears to be contrary to what is stated below in the extract from Swaran Singh, (2008) 8 SCC 435, at p. 736d-e, and in the application of this principle in para 15, below: “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.”] . The Court held as under : (SCC pp. 443-44, para 28)

“28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a “chamar”) when he stood near the car which was parked at the gate of the premises. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place 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. We must, therefore, not confuse the expression “place within public view” with the expression “public place”. A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaon sabha or an instrumentality of the State, and not by private persons or private bodies.” (emphasis in original) ”

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.

In view of the above decision, the learned counsel for the petitioner further contended that presence of relatives or friends does not constitute the public view.

10. On careful perusal of records, it is found that, it is a case of the 2nd respondent that in December 2016, the petitioner herein has asked the 2nd respondent to sign a bill of purchasing uniform from a company called ‘Lords’. The 2nd respondent has refused, because the purchase was not done and the uniform items were not delivered to the store. When the 2nd respondent informed the same to the Manager, he also insisted the 2nd respondent to sign the bill. As the 2nd respondent is clear that it was an attempt to

cheat the hotel, she did not sign the bill. For that, the Accused scolded her and insulted her by using her caste name in front of the other people in the hotel.

11. After one year since her joining, she joined in AITUC Trade Union. They elected her as the Joint Secretary of the Union. On 16.05.2023, when the former Kerala Minister, Shir. K.P. Rajendiran, stayed in Raindrops Hotel, she visited him. Due to which, the petitioner herein scolded her and he insulted her using filthy words, and insulted her by projecting her caste name in front of other staffs in the hotel. Certain staffs of the hotel by name, Adhish, Samson, Shanthi were witnessed when the petitioner insulted the defacto complainant by using her caste name. He uttered that “No Parayan and Pulayan shall try to dominate here”. According to the 2nd respondent, she was totally depressed and mentally embarrassed by such words. The witnesses to the said occurrences are also stated the same in their statement.

12. Now the question is whether the said utterances were made in public view or not. As contended by the learned counsel for the petitioner, in the decision cited supra, the Hon’ble Apex Court made it very clear that 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. From the above observation, it is clear that if the utterances were made in front of friends or relative, it does not constitute public view.

13. The Raindrops Hotel, Chennai is run by Kerala Tourism Development Corporation. The petitioner is Assistant Manager, and the 2nd respondent is worked as

Assistant Linen Keeper. The witnesses are the Adhish, Samson and Shanthi are the colleagues of 2nd respondent. Therefore, even assuming that the said utterance were made in front of them, it does not constitute public view as per the decision of the Hon'ble Apex court in the case cited supra. The word 'any place within public view' assumes much significance in a case of an offence punishable u/s. 3(1)(s) of SC & ST (PoA) Act is alleged. Since, that ingredient is not fulfilled, this court is of the considered view that no offence could be proved as against the petitioner herein even if the witnesses have depose their statements before this court without any contradiction and even if it is remain uncontroverted. Therefore, this court is of the considered view that no materials are available to frame charge as against the Accused for the offence punishable u/s. 3(1)(s) of SC & ST (PoA) Act. Accordingly, this petition is allowed.

14. Result:

In the result, this petition is allowed. The petitioner/Accused is discharged from the charge.

Dictated to the stenographer, transcribed by him, corrected and pronounced by me in the open Court, on this the 27th day of July, 2026.

**Principal Sessions Judge
Chennai**