

CNR No. HRJRA1005438-2026

COMI-39-2026

Ruby Narwal Versus State of Haryana

Present:- Sh. Devvart, Advocate fo the complainant.

The present application has been preferred under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking a direction to the respondent-police to register a First Information Report against the proposed accused for the offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(za)(E), 3(2)(vii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 79 of the Bharatiya Nyaya Sanhita, 2023, besides seeking a direction for conducting a fair, impartial and independent investigation and for taking appropriate action against the erring police officials under Section 4 of the SC/ST (Prevention of Atrocities) Act.

2. The case of the applicant, in brief, is that she belongs to the Scheduled Caste community and is presently serving as House Mother at Umang Jagannath Ashram, Sector-6, Bahadurgarh. It is alleged that the proposed accused, who is a public servant and was posted as District Child Welfare Officer, intentionally discriminated against the applicant on account of her caste and, on 15.05.2026, during a meeting held in the office in the presence of other employees, intentionally insulted and humiliated her by uttering caste-related abusive words in public view. It has further been alleged that despite submission of a written complaint dated 02.07.2026 before the SHO, Police Station Sector-6, Bahadurgarh, no FIR was registered and, therefore, the present application has been filed.

3. Notice of the application was issued to the respondent-police. In compliance thereof, the SHO has submitted an Action Taken Report.

(Suman)

(UID no. HR-0680)

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The Action Taken Report reveals that upon receipt of the complaint, instead of registering an FIR, the matter was marked to ASI Sudhir Pal, who conducted an enquiry by recording statements of the complainant, the proposed accused and several employees of Umang Jagannath Ashram. It is further stated that CCTV footage could not be obtained as the recording was no longer available. Thereafter, on receipt of notice from this Court, the matter was again looked into by Lady Sub Inspector Seema, who again recorded statements of the complainant, the proposed accused and other employees. The complainant was also asked to produce audio or video recordings, but she expressed her inability to do so. Ultimately, the police concluded that the allegations levelled by the complainant were false and motivated on account of departmental disputes and, accordingly, no FIR was registered.

4. This Court has carefully considered the application, the documents annexed therewith and the Action Taken Report submitted by the respondent-police.

5. At the outset, it is necessary to note that the jurisdiction of this Court under Section 175(3) BNSS is limited to examining whether the information placed before the police disclosed commission of a cognizable offence warranting registration of an FIR. At this stage, neither the police nor the Magistrate is expected to appreciate evidence as if conducting a trial. The correctness or otherwise of the allegations is a matter to be examined during investigation and ultimately by the trial Court. The complaint specifically alleges that the applicant belongs to a Scheduled Caste community and that the proposed accused intentionally addressed her by her caste name and humiliated her during an official meeting held in the presence of other employees. The complaint further states that the incident occurred in public view and was witnessed by members of the staff. If these allegations are accepted at their face value, they prima facie disclose commission of cognizable offences punishable under Sections

3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, besides such other offences as may be attracted on investigation.

6. A perusal of the Action Taken Report itself demonstrates that the police have travelled far beyond the permissible scope of a pre-registration exercise. Instead of determining whether the complaint disclosed commission of a cognizable offence, the police recorded statements of rival parties, examined witnesses, evaluated departmental disputes, considered the defence of the proposed accused, assessed the motive of the complainant and ultimately returned findings that the complaint was false. Such an exercise is wholly beyond the jurisdiction of the police at the stage preceding registration of an FIR and virtually amounts to conducting a mini trial.

7. It is significant that the Action Taken Report itself records that statements of the complainant, the respondent and other employees of Umang Jagannath Ashram were recorded. From the material placed before this Court, it is apparent that two witnesses examined during the enquiry have supported the allegations made by the complainant regarding the occurrence of the incident. However, despite the existence of such supporting material, the police chose to reject the complaint in its entirety and concluded that no cognizable offence was made out. Once the material collected during the enquiry itself gives rise to a prima facie case, the police could not have refused registration of the FIR merely because another version favourable to the proposed accused was also available. Appreciation of contradictory evidence, determination of credibility of witnesses and acceptance of one version in preference to another are matters falling exclusively within the domain of investigation after registration of the FIR and, ultimately, the jurisdiction of the trial Court.

8. The reasons assigned by the police for refusing registration of

the FIR are equally untenable. The absence of CCTV footage owing to expiry of the storage period cannot be treated as conclusive proof that the incident never occurred. Equally, the inability of the complainant to produce audio or video recordings cannot become a condition precedent for registration of an FIR. Many offences, particularly those involving verbal abuse and humiliation, are proved on the basis of oral testimony and surrounding circumstances. The law does not require the victim to produce electronic evidence before the criminal law can be set in motion.

9. The police have also concluded that the complaint was motivated by departmental disputes arising out of disciplinary proceedings against certain employees. Such a conclusion amounts to acceptance of the defence of the proposed accused even before registration of an FIR. Whether the complaint is actuated by malice or whether the defence put forward by the proposed accused is truthful are questions that can only be examined during a lawful investigation and thereafter by the competent Court. These considerations cannot be made the basis for refusing registration of an FIR.

10. This Court further finds that the complaint was initially enquired into by an Assistant Sub Inspector and thereafter by a Lady Sub Inspector. The Action Taken Report does not indicate that any senior officer of the rank contemplated under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and the Rules framed thereunder supervised the matter. The statutory scheme of the Act mandates that investigation of offences under the Act shall be conducted by a police officer not below the prescribed rank so as to ensure fairness, independence and sensitivity while dealing with allegations of caste-based atrocities. The approach adopted by the respondent-police, whereby the complaint was effectively adjudicated upon by subordinate officers without registration of an FIR, is inconsistent with the legislative intent underlying the Act. The Constitution Bench of the Hon'ble Supreme Court

has categorically held that where information discloses commission of a cognizable offence, registration of an FIR is mandatory. The object of registration is to facilitate a lawful investigation and not to pronounce upon the guilt or innocence of either party. Furthermore, Section 18A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act expressly provides that no preliminary enquiry is required for registration of an FIR under the Act. Consequently, the elaborate exercise undertaken by the respondent-police in assessing the truthfulness of the allegations before registration of an FIR is contrary to the statutory mandate.

11. Having considered the complaint in its entirety, this Court is of the considered opinion that the allegations, if accepted at their face value, prima facie disclose commission of cognizable offences requiring investigation by the police. Consequently, this Court is satisfied that the present case warrants exercise of powers under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. Accordingly, the present application is allowed. Station House Officer, Police Station Sector-6, Bahadurgarh, is directed to register a First Information Report forthwith on the basis of the complaint dated 02.07.2026 submitted by the applicant under the appropriate provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and such other provisions of the Bharatiya Nyaya Sanhita, 2023 as may be attracted from the allegations contained in the complaint. The Deputy Commissioner of Police, Bahadurgarh, shall ensure that the investigation is entrusted to a police officer not below the rank of Deputy Superintendent of Police, as contemplated under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules framed thereunder. The investigation shall be conducted fairly, impartially, independently and strictly in accordance with law without being influenced by the conclusions recorded in the earlier Action Taken Report.

(Suman)

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13. The Investigating Officer shall collect all relevant evidence, examine all material witnesses, obtain all documentary and electronic evidence, if available, and thereafter proceed in accordance with law. It is clarified that nothing contained in this order shall be construed as an expression on the merits of the allegations or the defence of the proposed accused. The investigating agency shall remain free to arrive at its own independent conclusion on the basis of the evidence collected during investigation.

A copy of this order be transmitted forthwith to the SHO, Police Station Sector-6, Bahadurgarh, as well as to the Deputy Commissioner of Police, Bahadurgarh, for immediate compliance.

Date of Order: 22.07.2026
Ishwer Stenographer

(Suman)
Judicial Magistrate First Class
Bahadurgarh
UID No. HR-0680