

**IN THE COURT OF SH. DEVENDER KUMAR JANGALA,
LD. ASJ-05, NEW DELHI DISTRICT, PHC, NEW DELHI**

**Sessions Case no. 39/23
FIR No.261/19: PS Baba Hari Dass Nagar
State Vs. Vikas Yadav & Ors.
Under Section: 3(1)(r) of SC & ST (POA) Act and 506/34 IPC**

**ORDER ON THE POINT OF SUMMONING
18.03.2024**

Present: Sh. Mukul Kumar, Ld. Addl. PP for the state.

1. Arguments on the point of summoning advanced by Sh. Mehmood Pracha, Ld.counsel for the complainant and Sh. Mukul Kumar, Ld. Addl. PP for the state already heard.

2. The FIR in the instant case was registered on the written complaint of the the complainant Daya Ram Badalia, Advocate on 13.06.2019. In his complaint to the police, the complainant has alleged that on 12.06.2019 when he was taking out his car in the street, the accused persons deliberately put their scooty in the street and when the complainant asked them to remove the same, the accused Vikas Yadav started quarreling with him and passed certain derogatory remarks and also threatened him. It is also alleged that on 05.05.2019 the accused persons had also thrown dirty water on the car of the complainant.

3. After registration of FIR on the allegations of the complainant, investigation was carried out and after completion of investigation final report under Section 173 Cr. PC was filed against the accused persons for commission of offence punishable under Section 506/34 IPC and 3(1)(r) of SC & ST (Prevention of Atrocities) Act.

4. The complainant has levelled specific allegations that the accused persons have thrown dirty/waste water on his car. The said allegation falls within the definition of Section 3(1)(c) of SC & ST(Prevention of Atrocities) Act. The prosecution story is also supported with the statement of witness/PSO of the complainant. The caste certificate of the complainant has been got verified. The accused persons are residing in neighbourhood of the complainant and they are well aware about the caste status of the complainant. There is also presumption about the caste status under Section 8 of the SC & ST(Prevention of Atrocities) Act. The accused persons are also alleged to have committed the offence punishable under Section 506 IPC which is a scheduled offence. Therefore Section 3(2)(va) is also attracted.

5. Accordingly in view of final report filed under Section 173 Cr. PC and material on record, **I take the cognizance of offence punishable under Section 506/34 IPC, Section 3(1)(c), 3(1)(r) and 3(2)(va) of SC & ST (Prevention of Atrocities) Act.**

6. **Issue summons to the accused persons Vikas Yadav, Rajneesh @ Rani and Sundra Devi for offences punishable under Section 506/34 IPC, Section 3(1)(c), 3(1)(r) and 3(2)(va) of SC & ST (Prevention of Atrocities) Act, returnable for 19.04.2024.**

(Devender Kumar Jangala)
ASJ-05, NDD/PHC/New Delhi
18.03.2024