

IN THE COURT OF PANKAJ SHARMA, SPECIAL JUDGE
HAMIRPUR, HIMACHAL PRADESH.

FIR No.65 of 2022 dated 13/05/2022 under Sections 506 IPC &
Section 3 (1) (r) (s) of SC and ST Act, Police Station Barsar,
District Hamirpur, HP.

CNR No. HPHA010025742022
Reg. No.13 of 2026.

13/07/2026.

Present: Sh. Ajay Thakur, Ld. PP for the State.
Sh. Surinder Kumar Sharma Advocate for the
complainant.

This order will dispose of the report filed by the police seeking cancellation of FIR No.65 of 2022 dated 13/05/2022 registered for the commission of offences punishable under Sections 506 IPC & Sections 3(1) (r)(s) of SC and ST (Prevention of Atrocities) Act in PS Barsar, Hamirpur, HP.

2. Brief facts of the present case are that the complainant moved a complaint before the Superintendent of Police, Hamirpur on the basis of which present FIR was registered. The complainant alleged that Satish Kumar son of Hari Krishan, resident of Village Dandvi, had abused him by using the caste-related words **"O Chamara, whether you leave from here or not"**, stating that he would not pay him any money and that he could go wherever he wished. The complainant stated that he earns his livelihood through manual labour. Satish Kumar had awarded a contract for cutting trees for Rs.9,000. After the work was completed, when the complainant

went to Satish Kumar's house on 10.04.2022 to demand payment, Satish Kumar became enraged and threatened him, saying: **"O Chamara, get out of here. If you come here again, I will kill you. I do not have any money to pay."** When the complainant replied that he had engaged other labourers and had to pay them, Satish Kumar allegedly stated publicly that he had no money and that the complainant could do whatever he wanted.

3. On the basis of these allegations, a case under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 IPC (criminal intimidation) was found to be made out and registered. The investigation was entrusted to the Investigating Officer Sh.Sher Singh SDPO Barsar by the Superintendent of Police, Hamirpur, vide order dated 15.05.2022.

4. During investigation on 19.05.2022, the Investigating Officer inspected the spot and prepared a site plan at the instance of the complainant. The complainant's statement was recorded. The named accused, Satish Kumar, was associated with the investigation, questioned regarding the allegations and served a notice under Section 41 Cr.PC. On 20.05.2022, the complainant's son was also examined and his statement under Section 161 Cr.PC was recorded. Caste certificates of both the complainant and the accused were obtained from the Tehsildar, Bijhri, which confirmed that the complainant belonged to a Scheduled Caste and the accused belonged to the General Category.

5. The investigation revealed that on 13.04.2022, the complainant had submitted a written complaint to the Sub-Divisional Officer, Barsar, alleging that Satish Kumar had used caste-based abusive language and threatened him with death when he demanded payment for the tree-cutting contract worth Rs.9,000.

6. It was further found that on 19.04.2022, the complainant submitted another written complaint to the Superintendent of Police, Hamirpur, repeating the same allegations that after completion of the contract work and demand for payment on 10.04.2022, Satish Kumar became angry and threatened him by saying that if he returned to demand money, he would kill him.

7. During verification of both complaints, the complainant and his son, Subhash Singh, were examined and their statements recorded. From the overall circumstances and statements, the matter appeared to be essentially a dispute relating to payment of money. It was also found that a written compromise had been executed between the complainant and the accused.

8. The sons, Subhash Chand and Satish Kumar, have also signed the compromise deed and in their statements, clarified that on 10.04.2022, Satish Kumar neither used any caste-related abusive words against them nor threatened to kill them, nor did he abuse them in any manner. They further stated that Satish Kumar had also paid them Rs.9,000. Further, during the course of investigation, the statements of the complainant on 19.05.2022 and of his son Subhash Singh on 20.05.2022 were recorded under Section 161 Cr.PC. The complainant stated that about 10–12 years ago, he had worked for Satish Kumar, son of Hari Krishan, a resident of the same village, for cutting and sawing poplar (safeda) trees, for which wages amounting to Rs.9,000 were due. He stated that he repeatedly demanded the payment of his wages from Satish Kumar, but Satish Kumar did not pay him. About a month before the incident (exact date not remembered), he again went to Satish Kumar's house to demand the Rs.9,000, whereupon Satish Kumar told him, **"You chamar, come after a week, then I will pay you."** This version was found to be inconsistent with the

allegations made in the complaint and the earlier statement of the complainant.

9. On 20.05.2022, the complainant's son Subhash Singh was also examined under Section 161 Cr.PC. He stated that about four years earlier, he and his father had taken two contracts from Satish Kumar for cutting trees, payment for one contract had already been made by Satish Kumar, while Rs.9,000 relating to the other work had been withheld. This statement was also found to be inconsistent with the complainant's version.

10. It came out that the complainant failed to produce any independent witness. In every complaint, only the father and son appeared as witnesses. Apart from this, the complainant was found to be in the habit of making false allegations. Therefore, after considering the above facts, the allegations made by the complainant Sarwan Singh against Satish Kumar son of Hari Krishan, resident of Village Dandwi, Tehsil Bhoranj, District Hamirpur, under Section 3(1)(r)(s) of the SC/ST Act, could not be substantiated.

11. Accordingly, a cancellation report was prepared and submitted before the Court for disposal.

12. The complainant has filed objections asserting that the cancellation report submitted by the police is totally vague, bogus, frivolous and liable to be quashed/set aside. The Investigation has not been conducted in a fair manner and the report has been filed at the instance of accused. The witnesses Gurmeet of Village Ambota and Kamlo from Village Samtana were not examined by the Police.

13. Accordingly, the present matter is a fit case for rejection of the cancellation report and for directing a fresh and impartial investigation in the interest of justice, in accordance with the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Rules, 1995, as amended from time to time.

14. Thereafter, arguments on behalf of both the parties were heard. Sh.Sandeep Agnihotri, learned Public Prosecutor for the State has argued that there is no material with the investigating agency to proceed further in the case and the cancellation report be accepted. On the other hand, Sh.Surinder Kumar Sharma learned counsel for the complainant has argued that the objections filed by the complainant be relied upon and fresh investigation may be ordered. I have also carefully perused the entire record available and have given my thoughtful consideration to the rival submissions advanced by the parties.

15. A pertinent aspect that merits consideration is that, for an offence under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, it is a mandatory statutory requirement that the alleged insult, intimidation or caste-based abuse must occur in a place "within public view". Hon'ble Supreme Court has consistently held that the expression "public view" is distinct from a "public place". In **Swaran Singh V/s State through Standing Counsel**¹, it was clarified that even if an incident occurs in a private place, the offence would be attracted only if it is witnessed by members of the public, conversely, an incident occurring within the four walls of a private building, in the absence of public witnesses, would not satisfy the requirement of "public view". This principle was reaffirmed in **Hitesh Verma V/s State of Uttarakhand**², wherein, it was held that the basic ingredients of Section 3(1)(r) include intentional insult or intimidation with intent to humiliate a

¹ (2008) 8 SCC 435.

² (2020) 10 SCC 710.

member of the Scheduled Castes or Scheduled Tribes in any place within public view and that allegations relating to a private dispute occurring inside a building without public presence would not attract the provisions of the Act. More recently, Hon'ble Supreme Court has reiterated that the requirement of "public view" is an essential ingredient of the offence and that caste-based remarks made inside a private residence or office chamber, without the presence of independent members of the public, do not constitute offences under Sections 3(1)(r) or 3(1)(s) of the Act.

16. Significantly, the presence of witnesses Gurmeet from Village Anbota and Kamlo of Village Samtana finds no mention whatsoever in the initial complaint submitted by the complainant before the Superintendent of Police, Hamirpur. In the absence of any reference to these witnesses in the earliest version of the case, the occasion for the investigating agency to examine them during the course of investigation could not have arisen. Their subsequent introduction into the prosecution version, therefore, appears to be a clear afterthought, seemingly intended to lend unwarranted support to the complainant's case, thereby adversely affecting the credibility of their testimony.

17. Accordingly, upon a careful consideration of the police report and the material placed on record, this Court finds no sufficient ground to disagree with the conclusion arrived at by the investigating agency that no offence is made out against the persons named in the FIR. The final report submitted by the police is, therefore, accepted and the objections/protest petition preferred by the informant-complainant stands rejected.

18. Consequently, FIR No.91/22 dated 09.07.2022, under Sections 3(1)(r) & 3(1)(s) of the SC/ST Act and Section 506 IPC at Police Station Barsar, is hereby ordered to be cancelled. The police file, along with a copy of this order, be transmitted to the concerned police authorities for necessary

compliance. The record of present proceedings be consigned to the Records after due completion.

Announced:
13/07/2026.

(Pankaj Sharma)
Special Judge, Hamirpur, HP.

/dr/

SPECIAL JUDGE, HAMIRPUR, HP.