

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 40 of 2024

1. Binod Mahato
2. Opindo Mahato @ Upendra Mahato
3. Shambhu Mahato @ Shambhunath Mahato
4. Jogindra Mahato @ Jogindar Mahato
All are sons of Late Matuk Lala Mahato, R/o Village Paharpur, PO
Jhiluwa, PS Govindpur, District Dhanbad Appellants
Versus

1. The State of Jharkhand
2. Ramesh Modi @ Ramesh Kora, S/o Jadu Kora, R/o Village
Paharpur, PO Jhiluwa, PS Govindpur, District Dhanbad
... Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants : M/s Gautam Kumar,
R.C. Sahu & Gautam Kumar, Advocates
For the State : Mr. Gautam Rakesh, APP
For Respondent No.2 : M/s M.B. Lal & Avilash Kumar, Advocates

07 / Dated : 27.01.2026

Heard the parties.

1. Instant criminal appeal has been filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 for quashing the entire criminal proceeding including the order dated 17.02.2020 passed in SC/ST Case No. 97 of 2019 (Complaint Case No. 3006 of 2019) under Section 323 and 341/34 of Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and also for granting the anticipatory bail to the appellants.
2. During course of argument prayer for grant of anticipatory bail is not pressed, as the appellants have been granted bail.
3. Complainant is the son of Jadu Kora who had purchased some piece of land situated at Mouza Paharpur and has been residing there peacefully. As per the complaint petition, on 29.08.2019, at the time of construction of the house, accused persons came there and starting abusing him by calling his caste name and on 22.09.2019 the accused persons armed with weapons came and assaulted the complainant and his father.
4. During enquiry, the complainant along with four other witnesses were examined. After enquiry, prima facie case was found to be

made out against the appellants under Section 323 and 341/34 of Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as Act,1989). Thereafter the process was issued against the appellants.

5. It is argued by the learned counsel on behalf of the appellants that this is a classic example of misuse of the stringent visions of the Special Act. The appellants had filed title partition suit, no.117/1992, which was decreed in their favour on 30.04.2008 and preliminary and final decree was drawn with respect to it. Execution case no.06 of 2013, was filed for writ of decree of possession. Respondent no.2 filed a Civil Miscellaneous Case no.02 of 2018 under Order XXI Rule 97, 98 and 101 read with Section 151 of CPC for adjudication of the title over 33 decimals of land in the western side of plot.
6. It is submitted by learned counsel for the appellants that as the land belongs to the appellants in pursuance of the final decree drawn in their favour, they have been implicated in this case due to land dispute. Unless the caste identity of the complainant was the cause of the assault or abuse, no offence under the provisions of the Act,1989 will be made out.
7. Learned counsel for the State assisted by learned counsel for the complainant, have contested the appeal and submitted that there is specific allegation of abusing the complainant by calling him by caste name.
8. In order to appreciate the rival contention as to whether the offence under Act,1989 is made out or not it will be desirable to refer to the principles on the basis of which such an offence can be said to be made out. It has been held in ***Ramawatar v. State of M.P., (2022) 13 SCC 635:***

“16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several

measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a “special statute” would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482CrPC.”

Further, it has been held in ***Hitesh Verma v. State of Uttarakhand*, (2020) 10 SCC 710:**

“13. The offence under Section 3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe”.

9. In the present case, the genesis of offence is land dispute in which the suit of the appellants was decreed for partition and at the stage of execution, objection petition has been filed in the execution court by Respondent no.2 viz Ramesh Modi @ Ramesh Kora, who is none other than the Complainant of the present case. Civil Miscellaneous Case No.02 of 2018 is pending before the court of Civil Judge (Sr. Div.)-V, Dhanbad. The genesis of the offence cannot by any stretch of imagination be said to be on account of the caste identity of the complainant and partakes the character of civil dispute and, therefore, the offence under the provision of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act will not

be made out.

10. Cognizance taken under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is, hereby, quashed.
11. Civil disputes have potential to mutate into criminal case and, therefore, there is an urgent need to dispose of the execution case without any further delay. In view of the fact that since Civil Misc. Case No. 02/2018 has not been disposed of, which is the cause of the dispute, learned Executing Court is directed to dispose of Civil Misc. Case No. 02/2018 within six months from the date of receipt/production of copy of this order in the light of the ratio laid down in *Rahul S. Shah Vs. Jinendra Kumar Gandhi & Ors.*, reported in (2021) 6 SCC 418.

Criminal Appeal is accordingly allowed.

Pending I.A., if any, stands disposed of.

Let a copy of this order be communicated through FAX to learned Civil Judge (Sr. Div.)-V, Dhanbad for needful.

(Gautam Kumar Choudhary, J.)

AKT/Satendra

Uploaded

28.01.2026