

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 3473/2012

Madan Lal Kumawat S/o Mohan Lal Kumawat Adopted S/o Sunda Ram Kumawat, R/o Village Kishanpura, P.s. Govindgarh, District Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan Through P.P.
2. Madan Lal Son Of Shri Gangabaksh, R/o Village Kishanpura, Tehsil Chomu, District Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Arun Sharma Mr. Gaurav Kumawat
For Respondent(s)	:	Mr. Vivek Sharma, PP

HON'BLE MR. JUSTICE ANAND SHARMA

Order

10/11/2025

1. Petitioner has challenged the FIR No. 76/2012 dated 03.04.2012 registered against him at Police Station Govindgarh, District Jaipur Rural for offences under Sections 341/323 IPC as well as Section 3(i)/3(x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act, 1989). It is submitted by learned counsel for the petitioner that bare perusal of the FIR would reveal that the petitioner has been falsely implicated for an offence under Section 3 of SC/ST Act whereas, it is evident from bare reading of the FIR that there is nothing to suggest that the alleged incident has taken place either in open space in front of general public or in public view. It is submitted that the complainant is habitual drinker and used to create ruckus and cause altercations with the

residents of the colony. He has misused the provisions of SC/ST Act just to harass and victimize the petitioner as well as to extort money whereas, no such incident as alleged in the FIR has taken place. It is also submitted that bare perusal of the FIR would also not make out any case of wrongful confinement as prescribed under Section 341 of IPC. Merely just to retaliate the unwarranted action of a drunk person, he was slightly pushed by the petitioner and that would not make out the case of 323 IPC.

2. Learned Public Prosecutor opposed the petition and submitted that the allegations thereunder in FIR indicates that the petitioner has abused the complainant by referring his caste and since, the complainant belongs to SC Category therefore, offences under Section 3 of the SC/ST Act are made out. Learned Public Prosecutor has submitted that investigation has also been conducted by the police authorities wherein, the offences alleged against the petitioner are prima facie made out.

3. Despite service, no one is present on behalf of the complainant.

4. I have perused the record and carefully heard learned counsel for the parties.

5. Bare reading of Section 3(r) of the Act of 1989 would make it clear that for bringing any incident as an offence within the purview of Act of 1989, it is mandatory that the allegations should be that the incident has taken place in public view.

6. Learned Public Prosecutor has utterly failed to point out any contents of the FIR to show that the incident has taken place in open space or in public view.

7. In the case of **Hitesh Verma Vs. State of Uttarakhand & Ors. reported in 2020 (10) SCC 710**, the Hon'ble Supreme Court while interpreting the provisions of Section 3(r) of the Act of 1989 has clearly held that until and unless, it is alleged that the incident has taken place in public view, merely referring that the complainant was abused by referring his caste, would not make out any case of offence under the Prevention of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities Act, 1989).

8. The FIR also does not reveal that the allegations of wrongful confinement in any manner whatsoever has been leveled in the FIR by the complainant therefore, even by taking the contents of the FIR at its face value, no offence under Section 341 IPC is also made out.

9. In the case of **State of Haryana & Ors. Vs. Bhajan Lal & Ors. reported in 1992 Supp (1) SCC 335**, the Hon'ble Supreme Court has given guidelines for interfering with the FIR and it has been held that in the cases where, bare perusal of the FIR does not make out any cognizable offence, interference has been made by this Court in the offences under Section 482 Cr.P.C.

10. In the light of foregoing discussion and after analyzing the contents of the FIR, this Court deems it just and proper to exercise its inherent jurisdiction so as to quash and set-aside the FIR No. 76/2012 along with all subsequent proceedings.

11. Consequently, the criminal misc. petition stands allowed.

(ANAND SHARMA),J