

IN THE SUPREME COURT OF INDIA
 CRIMINAL APPELLATE JURISDICTION
 CRIMINAL APPEAL No.204 OF 2013

RANGASAI BHATT ... APPELLANT

VERSUS

STATE OF A.P.& ORS. ... RESPONDENTS

O R D E R

The appellant was accused of having committed an offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Act").

After investigation, the police filed the report under Section 173(2) of the Code of Criminal Procedure, 1973 (for short "the Code") before I Addl. Chief Metropolitan Magistrate Nampally at Hyderabad. At that

stage, the appellant filed a petition under Section 482 of the Code to quash the proceedings in PRC No.7 of 2010.

The High Court took the view that the controversial statement prima facie amounted to intentionally insulting Respondent No.5 herein - the de facto complainant.

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Digitally signed by
 Sanjay Kumar
 Date: 2015.03.21
 11:19:28 IST
 Reason:

Annexpure P-1 is the pamphlet. On going through the entire pamphlet, we do not find that any caste as such is

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mentioned in the pamphlet. We also do not find any insulting words against Respondent No.5 because she

belonged to a particular caste covered by the Act. No
doubt, there is a severe criticism on the decision taken
by Respondent No.5 as a Minister, pertaining to promotions
which according to the appellant are irregular. A
criticism, however, severe may be and even if it is
unjustifiable, need not necessarily amount to insult so as
to come under the purview of Section 3(1)(x) of the Act.
Only because Respondent No.5 belonged to Scheduled Caste,
any criticism against her will not amount to an offence
under the Act. In other words, merely because Respondent
No.5 belonged to a particular caste is not immune from
criticism in respect of her official acts.

What reveals from the pamphlet is only that there is
a criticism against the action taken by Respondent No.5 as
a Minister in granting promotion. There is absolutely no
reference of any imputation on her caste. Thus, it is a
case where the allegations in the complaint on the face of
it do not constitute the offence. If that be so,
continuance of such proceedings would be a sheer
harassment. The process under the Code shall not be used
as a weapon for harassment.

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In the result, the appeal is allowed. The impugned
order is set aside. The proceedings in PRC No.7 of 2010
before before I Addl. Chief Metropolitan Magistrate
Nampally at Hyderabad are quashed.

.....J.
(KURIAN JOSEPH)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI
MARCH 19, 2015

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S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s).204/2013

RANGASAI BHATT

Appellant(s)

VERSUS

STATE OF A.P.& ORS.

Respondent(s)

(With appln. (s) for stay and office report)

Date : 19/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Ms. Bina Madhavan, Adv.

For Respondent(s) Mr. P. Venkat Reddy, Adv.
Mr. Sumanth Nookala, Adv.
for M/s. Palwai Venkat Law Associates

UPON hearing the counsel the Court made the following
O R D E R

In terms of the signed order, the appeal is allowed.

The impugned order is set aside. The proceedings in PRC

No.7 of 2010 before before I Addl. Chief Metropolitan

Magistrate Nampally at Hyderabad are quashed.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER

(Signed order is placed on the file)