

2023 LiveLaw (SC) 126

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SURYA KANT; J., J.K. MAHESHWARI; J.
14TH FEBRUARY, 2023**

**CRIMINAL APPEAL NO.460/2023 (@Petition for Special Leave to Appeal (Crl.) No.3663/2020)
SUBRAHMANYAM SADERLA *versus* CHANDRA SHEKHAR UPADHYAY & ORS.**

Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 - Supreme Court refuses to interfere with HC order quashing FIR lodged by a Dalit IIT faculty member against his colleagues alleging caste-based harassment - Court favours a conciliatory approach and urges the Chairman of Board of Governor to invite the complainant and the accused for talks - Court observes allegations and counter-allegations damage the repute of a premier institution like IIT - Court impresses upon them to ensure that they work together as a team in the best interests of the institution and their students, and do not allow any unfortunate and untoward incidents to occur which might hurt the sentiments, feelings, respect and dignity of each other - Court says the continuation of criminal proceedings will be an impediment to restoration of normalcy and bringing cordiality back between the appellant and the respondents in their professional and personal capacities.

(Arising out of impugned final judgment and order dated 05-03-2020 in CRLMWP No. 33609/2018 passed by the High Court of Judicature at Allahabad)

For Petitioner(s) Mr. Ashok K. Gupta, Sr. Adv. Ms. Sunita Sharma, AOR Ms. Nishi Prabha Singh, Adv. Mr. Abhishek Gupta, Adv. Ms. Ikshita Singh, Adv. Mr. Kapil Raghav, Adv. Mr. Dishant Bhati, Adv. Ms. Tanya, Adv.

For Respondent(s) Mr. Siddharth Luthra, Sr. Adv. Mr. Prashant Kumar, Adv. Mr. Avneesh Tripathy, Adv. Mr. Smarhar Singh, AOR Mr. Ankit Goel, AOR

ORDER

Leave granted.

2. The appellant is an Assistant Professor in the Department of Aerospace at the Indian Institute of Technology, Kanpur, U.P. He has been commendably pursuing his academic career and interests, and was awarded a Ph.D. Degree in recognition of his excellence in the field. However, it appears that some unwarranted complaints were made questioning the originality of the Ph.D. thesis submitted by the appellant, pursuant whereof, the Senate Post Graduate Committee, recommended withdrawal of the Ph.D. thesis and re-evaluation of a revised version of the thesis. The Board of Governors approved those recommendations. Eventually, the matter was referred to a Committee of Three Technical Experts which vide their Report dated 03-05-2019 concluded that the appellant's thesis had referred to material which was common knowledge in that specific field of study. However, the Committee advised that a brief corrigendum by the appellant may be appended to the thesis clearly identifying the texts which referred to points that were common knowledge.

3. The appellant – as a true Academician accepted those recommendations and issued a Corrigendum on 31-10-2019. The Board of Governors thereafter accepted the corrigendum submitted by the appellant and it was resolved that his Ph.D. thesis titled “PARAMETER ESTIMATION USING FLIGHT DATA OF UNMANNED FLIGHT VEHICLES AT LOW AND MODERATELY HIGH ANGLES OF ATTACK USING CONVENTIONAL METHODS” be read along with the corrigendum from now on.

4. In this manner, there is no remaining doubt regarding the genuineness of the Ph.D. thesis, and the degree that was awarded to the appellant. His dedication, hard-work and deep research on the subject stands duly recognized.

5. It appears that some of the members of the faculty of IIT, Kanpur, including the four private respondents – herein were allegedly criticizing the originality of the Ph.D. thesis of the appellant, besides purportedly making certain remarks which hurt the sentiments, prestige and dignity of the appellant. This unfortunate episode prompted the appellant to lodge an F.I.R. Case Crime No.1283/2018 under Section 506 of the Indian Penal Code, Section 66D of the Information Technology Act, 2000 and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station, Kalyanpur, District Kanpur Nagar, U.P.

6. The above-stated First Information Report was assailed by respondent Nos. 1 to 4 before the High Court of Judicature at Allahabad in a Writ Petition filed under Article 226 of the Constitution and vide impugned Judgment dated 05-03-2020, the High Court allowed the Writ Petition and quashed the FIR.

7. As has been noticed at the outset, the appellant's academic work was under attack at the time and he genuine hurt, which led to the FIR being lodged. Subsequently, the issue has been finally resolved and the appellant's Ph.D. Degree has been accepted and recognized.

8. The respondents have specifically denied their alleged role, directly or indirectly, in relation to any doubts which may have been created regarding the Ph.D. thesis of the appellant or any type of social humiliation inflicted upon him. The respondents sincerely undertake before this Court that in the future as well, they will never do any such thing, or make any comments, which may hurt the sentiments and feelings of the appellant in any manner.

9. We cannot be oblivious of the fact that the appellant and the respondents are faculty members in one of the premier institutes in the country. Their day-to-day conduct must be exemplary as the students of the institution follow in their foot steps. There is a solemn responsibility on the respondents as well as the appellant to ensure that none of their actions should downgrade or demean the institution of renowned academicians who still enjoy the highest respect in our society. The attribution of allegations and counter-allegations also, in a way, damages the reputation of individuals as well as the institution. We, therefore, impress upon the appellant as well as the private respondents to ensure that they work together as a team in the best interests of the institution and their students, and do not allow any unfortunate and untoward incidents to occur which might hurt the sentiments, feelings, respect and dignity of each other.

10. Given this hope, we feel that the continuation of criminal proceedings will be an impediment to restoration of normalcy and bringing cordiality back between the appellant and the respondents in their professional and personal capacities.

11. We, therefore, at this stage, are not inclined to continue with these proceedings and deem it appropriate to dispose of the same, with a recommendation to the Chairman of the Board of Governors to invite the appellant and all the four respondents together and ensure that there are no pending misunderstandings or misgivings between them so as to guarantee professionalism and an ideal academic atmosphere in the institution.

12. The appeal is disposed of at this stage in the afore-mentioned terms.

13. All pending applications also stand disposed of.