



CRR-1352-2026 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(118)

CRR-1352-2026 (O&M)

Date of Decision:- 23.07.2026

JYOTI DEVI

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sahil Gupta, Advocate for the petitioner.

Ms. Swati Batra, Sr. DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present revision petition has been filed, inter alia, challenging the order dated **08.05.2026** passed by the learned Judge, Special Court/Additional Sessions Judge, Jind, whereby it was held that the offences punishable under Sections **3(1)(r)** and **3(1)(s)** of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "**SC/ST Act**") were not made out against accused/respondent No.2, and the case file was ordered to be sent to the Court of the learned Chief Judicial Magistrate, Jind, for further proceedings.

2. Learned counsel for the petitioner has opened his arguments by taking this Court through the contents of the FIR and submits that the ingredients of Sections **3(1)(r)** and **3(1)(s)** of the SC/ST Act were duly satisfied. However, the learned Additional Sessions Judge, Jind, passed the impugned order by returning a finding that the caste-related abuses were not hurled at the complainant in a place within public view.



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3. Learned counsel for the petitioner further reiterates that the caste-related abusive words were used by respondent No.2 against the son of the complainant over the telephone. However, respondent No.2 was allegedly sitting at a public place, and the conversation was audible to several persons, thereby satisfying the requirement of the incident having occurred within public view.

4. Learned counsel for the petitioner has relied upon the statement of Jeevansh, wherein it has been stated that he had handed over his phone to respondent No.2, whereby respondent No. 2 threatened and uttered castiest remarks to the complainant's minor son, therefore, it should be deemed that the alleged abuses were made in a place within public view.

5. Heard learned counsel for the petitioner at length and perused the impugned order. At the outset, it would be imperative to reproduce the relevant provisions of the SC/ST Act, which read as under:

"3. Punishments for offences of atrocities.—(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

xxxxx

(r)intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s)abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view."

6. A perusal of the aforesaid provisions clearly demonstrates that, in order to attract the rigours of Sections **3(1)(r)** and **3(1)(s)** of the SC/ST Act, the alleged offence must, prima facie, have been committed in a place within public view. The Hon'ble Supreme Court



of India, in *Hitesh Verma v. State of Uttarakhand*, 2020 (4) RCR (Criminal) 868, has held that any remark made within four walls of the house should not attract the provisions of SC/ST Act. The relevant extract of the said judgment is reproduced as under:

"12. The basic ingredients of the offence under Section 3(1)(r) of the Act can be classified as "1) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe and 2) in any place within public view".

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. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the Society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that respondent No.2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent No.2 is member of Scheduled Caste.

*14. Another key ingredient of the provision is insult or intimidation in "any place within public view". What is to be regarded as "place in public view" had come up for consideration before this Court in the judgment reported as *Swaran Singh & Ors. v. State through Standing Counsel & Ors.*, (2008) 8 SCC 435. The Court had drawn distinction between the expression "public place" and "in any place within public view". It was*



held that if an offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, then the lawn would certainly be a place within the public view. On the contrary, if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then it would not be an offence since it is not in the public view. The Court held as under:

*"28. It has been alleged in the FIR that Vinod Nagar, the first informant, was insulted by Appellants 2 and 3 (by calling him a "chamar") when he stood near the car which was parked at the gate of the premises. **In our opinion, this** was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression "place within public view" with the expression "public place". A place can be a private place but yet within the public view. On the other hand, a public place would ordinarily mean a place which is owned or leased by the Government or the municipality (or other local body) or gaonsabha or an instrumentality of the State, and not by private persons or private bodies."*

15. As per the FIR, the allegations of abusing the informant were within the four walls of her building. It is not the case of the informant that there was any member of the public (not merely relatives or friends) at the time of the incident in the house. Therefore, the basic ingredient that the words were uttered "in any place within public view" is not made out. In the list of witnesses appended to the charge-sheet, certain witnesses are named but it could not be said that those were the persons present within the four walls of the



building. The offence is alleged to have taken place within the four walls of the building. Therefore, in view of the judgment of this Court in Swaran Singh, it cannot be said to be a place within public view as none was said to be present within the four walls of the building as per the FIR and/or charge-sheet.

16. There is a dispute about the possession of the land which is the subject matter of civil dispute between the parties as per respondent No.2 herself. Due to dispute, appellant and others were not permitting respondent No.2 to cultivate the land for the last six months. Since the matter is regarding possession of property pending before the Civil Court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe.

*17. In another judgment reported as **Khuman Singh v. State of Madhya Pradesh, 2019 SCC OnLine SC 1104** this Court held that in a case for applicability of Section 3(2)(v) of the Act, the fact that the deceased belonged to Scheduled Caste would not be enough to inflict enhanced punishment. This Court held that there was nothing to suggest that the offence was committed by the appellant only because the deceased belonged to Scheduled Caste. The Court held as under:*

"15. As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2)(v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to "Khangar"-Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under section [3](#)(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable."

18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the



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present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out."

7. Further, the Hon'ble Supreme Court of India, in its latest judgment in **Rabindra Kumar Chhatoi v. State of Odisha &Anr., 2025 (1) SCC 662**, reiterated the preposition of law laid down in the case of **Hitesh Verma(supra)** and held that in order to attract the provisions of SC/ST Act, the alleged offence is required to be occurred in full public view.

8. Admittedly, in the present case, as per the FIR, the allegation is that the Respondent No. 2 used certain caste-related abusive words over the telephone while speaking with the son of the complainant. This clearly implies that the complainant herself was neither privy to the conversation nor did she personally hear the alleged caste-related abuses. At best, the information regarding the incident was conveyed to her by her son.

9. In view of the above, this Court finds no infirmity in the impugned order passed by the learned trial Court, which has rightly relied upon the judgments of the Hon'ble Supreme Court of India. Accordingly, the present revision petition, being devoid of merit, is dismissed.

10. Pending application(s), if any, stands disposed of.

(ALOK JAIN)
JUDGE

July 23, 2026

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No