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**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

J.B. PARDIWALA; J., ALOK ARADHE; J.

SPECIAL LEAVE PETITION (CRL.) NO. 12144 OF 2025; JANUARY 12, 2026

KESHAW MAHTO @ KESHAW KUMAR MAHTO versus STATE OF BIHAR & ANR.

Criminal Law: Quashing of Prosecution – Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 – Sections 3(1)(r) and 3(1)(s) – Essential Ingredients - The Supreme Court allowed the appeal and quashed the criminal prosecution against the appellant, holding that the mere presence of an accused at the scene of an incident, without a specific overt act or intentional insult directed at the complainant's caste, does not satisfy the statutory requirements for an offense under the SC/ST Act – Noted following points – i. Ingredients of Section 3(1)(r) - To constitute an offense under this section, there must be an intentional insult or intimidation with the specific intent to humiliate a member of a Scheduled Caste or Scheduled Tribe in a place within public view Noted that mere fact that a complainant belongs to a protected community is insufficient; the insult must be because of their caste identity - Even knowledge of the complainant's caste is not enough to attract this section without the intent to humiliate; ii. Ingredients of Section 3(1)(s) - This section requires the accused to abuse a member of a Scheduled Caste or Scheduled Tribe "by the caste name" in public view - noted that the intent behind the abuse must be found to be denigrating toward the caste, resulting in a feeling of caste-based humiliation - Merely saying a caste name or simple abuse does not automatically constitute an offense; iii. Application to Facts - Held that neither the FIR nor the chargesheet contained allegations of the appellant uttering any specific words or performing overt acts - The allegations were deemed general in nature and failed to prima facie constitute an offense – **Appeal allowed. [Relied on *Shajan Skaria v. The State of Kerala & Anr.*, 2024 SCC OnLine SC 224; Paras 11-20]**

[Arising out of impugned final judgment and order dated 15-02-2025 in CRASJ No. 112/2023 passed by the High Court of Judicature at Patna]

For Petitioner(s): Ms. Preetika Dwivedi, AOR Mr. Abhisek Mohanty, Adv. Mr. Ishan Kapoor, Adv. Mr. Ansh Rajauria, Adv. Mr. Anupam Mishra, Adv.

For Respondent(s): Mr. Samir Ali Khan, AOR Mr. Pranjal Sharma, Adv. Mr. Kashif Irshad Khan Faridi, Adv.

ORDER

1. Leave granted.
2. This appeal arises from the order passed by the High Court of Judicature at Patna dated 15.02.2025 in Criminal Appeal (SJ) No. 112 of 2023, by which the appeal preferred by the appellant herein seeking to challenge the legality and validity of the cognizance and summoning order dated 09.10.2020 passed by the trial court came to be dismissed.
3. It appears from the materials on record that the appellant herein went before the High Court praying for the following relief: -

“quashing the order dated 09.10.2020 passed by the learned III Additional Sessions Judge-cum-Special Judge SC/ST, Bhagalpur passed in Shivnarayanpur, Kahalgao, P.S. Case No. 451/2019 (G.R.No. 108/2019) offences alleged u/s 341, 323, 504, 506 and 34 of the I.P.C. and 3(i)(2) (s) SC/ST Act pending in the Court of III Additional District and Sessions cum Special Judge, SC/ST, Bhagalpur.”

4. The case of the prosecution in brief is that on the date of the incident, the original First Informant was sitting alongwith his friend at the Aanganwadi Center situated at Santhali Tola. At that point of time, the accused persons came over there and started abusing the First Informant. It is alleged that some abuses relating to the caste of the First Informant were hurled.

5. In such circumstances referred to above, the original First Informant lodged an FIR. The FIR was investigated and ultimately chargesheet came to be filed against the appellant herein and other co-accused. On 09.10.2020, IIIrd Additional District and Sessions Judge-cum-Special Judge, SC/ST, Bhagalpur, took cognizance of the offence under Sections 341, 323, 379, 504 and 34 of the IPC respectively and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, respectively against all the accused persons.

6. The appellant, being dissatisfied with the cognizance and summoning order passed by the Sessions Court, went in appeal before the High Court under Section 14A of the SC/ST Act. The High Court declined to quash the prosecution insofar as the appellant is concerned. In such circumstances, the appellant is here before this Court with the present appeal.

7. We have heard Ms. Preetika Dwivedi, learned counsel appearing for the appellant and Mr. Samir Ali Khan, learned counsel appearing for the respondent – State. Respondent No. 2 – original First Informant, although served with the notice issued by this Court, has chosen not to remain present before this Court, either in person or through an Advocate to oppose this appeal.

8. We enquired with the learned counsel appearing for the State to show us some material insofar as the present appellant is concerned, sufficient enough to frame charge and put him into trial. The learned counsel appearing for the State, with all fairness, submitted that except the fact that the appellant was also present at the relevant point of time with the co-accused, there is no specific overt act attributed to him.

ANALYSIS

9. We have looked into the allegations levelled in the FIR. We tried to understand the nature of the allegations, more particularly, so far as the present appellant is concerned. It does not seem to be the case of the prosecution that the appellant herein uttered any word from his own mouth.

10. We shall first proceed to examine whether the necessary ingredients to constitute the offence under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act respectively are disclosed on a plain reading of the FIR and the chargesheet. The sections read as under: -

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

(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;”

11. This Court in *Shajan Skaria v. The State of Kerala & Anr.*, 2024 SCC OnLine SC 2249, laid down the ingredients to constitute an offence under Section 3(1)(r) of the SC/ST Act. It reads thus: -

“55. The basic ingredients to constitute the offence under Section 3(1)(r) of the Act, 1989 are:

- a. Accused person must not be a member of the Scheduled Caste or Scheduled Tribe;
- b. Accused must intentionally insult or intimidate a member of a Scheduled Caste or Scheduled Tribe;
- c. Accused must do so with the intent to humiliate such a person; and
- d. Accused must do so at any place within public view."

(Emphasis supplied)

12. Section 3(1)(r) is attracted where the reason for the intentional insult or intimidation by the accused is that the person who is subjected to is a member of a Scheduled Caste or a Scheduled Tribe. In other words, the offence under Section 3(1)(r) cannot stand merely on the fact that the informant/complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless the insult or intimidation is with the intention to humiliate such a member of the community.

13. To put it briefly - *first*, the fact that the complainant belonged to a Scheduled Caste or a Scheduled Tribe would not be enough. *Secondly*, any insult or intimidation towards the complainant must be on the account of such person being a member of a Scheduled Caste or a Scheduled Tribe.

14. With a view to dispel any doubt and lend clarity, we deem it appropriate to mention that even mere knowledge of the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe is not sufficient to attract Section 3(1)(r).

15. Further, for an offence to be made out under Section 3(1)(s), merely abusing a member of a Scheduled Caste or a Scheduled Tribe would not be enough. At the same time, saying caste name would also not constitute an offence.

16. In other words, to constitute an offence under Section 3(1)(s) it would be necessary that the accused abuses a member of a Scheduled Caste or a Scheduled Tribe "by the caste name" in any place within public view. Thus, the allegations must reveal that abuses were laced with caste name, or the caste name had been hurled as an abuse.

17. What appears from the aforesaid is the element of humiliation is present in Section 3(1)(s) as well. It has to be gathered from the intentional insult towards the caste, and the content. The content under Section 3(1)(s) are the abuses hurled at a person belonging to a Scheduled Caste or a Scheduled Tribe. However, the intent with which the abuses were hurled must be found to be denigrating towards the caste, resulting into a feeling of caste-based humiliation.

18. In the case at hand, we find that there is nothing on record to indicate that the alleged acts of the appellant were motivated for the reason that the complainant is a member of a Scheduled Caste or a Scheduled Tribe. Neither the FIR nor the chargesheet contains any whisper of an allegation of insult or intimidation by the appellant herein, let alone one made with the intention to humiliate the complainant.

19. The allegations levelled in the FIR, even if taken at their face value and accepted in their entirety, do not *prima facie*, constitute an offence under either Section 3(1)(r) or under Section 3(1)(s) of the SC/ST Act.

20. Insofar as the offences under the IPC, the allegations do not inspire confidence. We find that the allegations levelled against the appellant in the FIR do not meet the essential ingredients of any of the offences and are rather general in nature. Mere presence of the appellant does not establish his participation in the alleged offence.

21. In such circumstances referred to above, we are of the view that putting the appellant into trial, along with other co-accused, will be travesty of justice.

22. In view of the above, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court is set aside and the criminal prosecution against the appellant herein is hereby quashed.

23. Pending interlocutory application(s), if any, is/are disposed of.

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