



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.R No.771 of 2024

Date of Decision: 09.04.2026

State of Himachal Pradesh

.....Petitioner

Versus

Suresh Kumar and Others

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General.

For the Respondents: Mr. Arun Sehgal, Advocate, for respondents No.1 and 2.

Mr. Raj Verma, Advocate, for respondent No.3.

Sandeep Sharma, J. *(Oral)*

Being aggrieved and dissatisfied with order dated 21.12.2023, passed by the learned Special Judge Bilaspur, District Bilaspur, Himachal Pradesh, whereby respondents-accused came to be discharged for their allegedly having committed offence punishable under Sections 341, 323, 355, 504 and 506 read with Section 34 of IPC and Sections 3 (1) (s) (r) & 3



(2) (Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short the “Act”), petitioner-State has filed present petition.

2 In nutshell, case of the petitioner as has been highlighted in the grounds of petition and further canvassed by Mr. Vishal Panwar, learned Additional Advocate General, is that court below while passing impugned order dated 21.12.2023, failed to take note of statement made by the complainant under Section 161 CrPC, wherein he specifically alleged that on the date of the alleged incident, accused besides hurling abuses, also made casteist remarks. Mr. Panwar, contended that since petitioner-State specifically adduced on record afore statement of the complainant made under Section 161 CrPC along with final report submitted under Section 173 CrPC, there was no occasion, if any, for the court below to discharge the accused for their having committed offence punishable under afore provisions of law.

3 To the contrary, Mr. Arun Sehgal and Mr. Raj Verma, learned counsel for the respondents-accused, while supporting the impugned order, thereby discharging the accused under the aforesaid provision of law, vehemently argued that to infer *prima facie* case, if any, against the accused under Section 3 of the Act, Special Court rightly placed reliance



upon the initial statement of the accused recorded under Section 154 CrPC, wherein he nowhere alleged that on the date of alleged incident, accused while hurling abuses and giving him beatings, made casteist remarks. He submitted that statement, if any, with regard to abuse and casteist remarks, as recorded under Section 161 CrPC, rightly came to be discarded by the court below while discharging him for his having committed offence under Section 3 of the Act.

4 Having heard learned counsel for the petitioner and perused the material available on record vis-à-vis reasoning assigned in the order impugned in the instant proceedings, this Court finds no illegality or infirmity in the same and as such, no interference is called for.

5 Admittedly, in the case at hand, FIR came to be initiated on the basis of statement made by one Kaushal Kumar, under Section 154 of CrPC, wherein he nowhere alleged that accused named in the FIR had made casteist remarks or called him by his caste, rather he alleged that he was given beatings. Though subsequently, police recorded the supplementary statement of complainant under Section 161 CrPC, wherein he alleged that accused named in the FIR had called him by caste, but even at that stage, there was no allegation *per se* showing or reflecting as to what were the words uttered based on caste against complainant Kaushal



Kumar. Since there is no admission with regard to casteist remarks in the statement recorded under Section 154 CrPC, Investigating Officer rightly sent ruqa for registration of FIR under Sections 341, 323, 355, 504 and 506 read with Section 34 of IPC. Section 3 of the Act came to be invoked subsequently on the basis of statement of the complainant made under Section 161 CrPC, which version set up by the complainant nowhere suggests case, if any, under Section 3(1) (s) (r) & 3 (2) (Va) of the Act against the petitioner. In case some utterances with regard to caste were made by the accused named in the FIR, complainant would not have missed to report such fact at the time of getting his first statement recorded under Section 154 CrPC.

6 Since *prima facie* case under the provisions of Sections 341, 323, 355, 504 and 506 read with Section 34 of IPC, is made out against the accused, learned court below rightly charged accused under the afore provisions of law, but once there was no evidence to proceed against the petitioner under Section 3 (1) (s) (r) & 3 (2) (Va) of the Act, no illegality or infirmity can be said to have been committed by the learned trial Court while discharging the accused named in the FIR under Section 3 (1) (s) (r) & 3 (2) (Va) of the Act.



7 Consequently, in view of the above, this Court finds no illegality or infirmity in the order impugned in the instant proceedings and as such, same is upheld. Accordingly, present petition fails and dismissed being devoid of any merit along with pending applications, if any.

April 09, 2026

(Rajeev Raturi)

**(Sandeep Sharma),
Judge**