



NON-REPORTABLE

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

CRIMINAL APPEAL NO. 555 OF 2018

KONDE NAGESHWAR RAO

... APPELLANT

VERSUS

**A. SRIRAMA CHANDRA
MURTY & ANR.**

... RESPONDENTS

J U D G M E N T

AUGUSTINE GEORGE MASIH, J.

1. This Appeal questions the judgment passed by the Single Judge of the High Court for the State of Telangana and the State of Andhra Pradesh dated 15.10.2014, whereby Petition under Section 482 of Code of Criminal Procedure (CrPC) preferred by Respondents No. 1 and 2, who were Accused 1 and 2 respectively in P.R.C. No. 25 of 2004, pending before the Court of II Additional Munsif Magistrate, Eluru for the offences under Section 3(1)(viii), (ix) & (3)(2)(vii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SC/ST Act) was allowed by quashing the said proceedings against the Respondents No. 1 and 2 herein.

2. The origin of this case is from a land allotment dispute in Duvva village, where the Appellant herein alleged that Respondent No. 2, who was the Mandal Revenue Officer (MRO) at the behest Accused No. 3, the proprietor of Ramakrishna Cine Theatre of the same village, manipulated the allotment of two plots to the upper caste individuals related to him, earmarked for Scheduled Caste/Scheduled Tribe beneficiaries.
3. This allotment was objected by the Appellant, because of which it is alleged that he was falsely implicated in a criminal case as part of a conspiracy in retaliation, owing to the action initiated against Respondent No. 2 on the complaint of the Appellant relating to the wrongful allotment of the plots. It would not be out of place to mention here that the Appellant was working as a Junior Accountant in Government Printing Press at Hyderabad and, because of the criminal case, he was placed under suspension. Thereafter, on a representation submitted by him in the criminal case, it was found that he was not even present in the village when the offence had taken place, in which he had been roped in by Respondent No. 1 at the asking of Respondent No. 2 and Accused No. 3.
4. The criminal proceedings initiated against the Appellant were based upon a clash that occurred on 15.05.1995 between the two groups of Scheduled Caste in

Kothamalapalli village. The case was registered as Crime No. 40 of 1995 for the offence under Sections 148, 452, 324 r/w 149 IPC at Tanuku Rural Police Station.

5. Respondent No. 1 was the Sub-Inspector of Police, and the Investigating Officer in this case. It was further alleged that the Appellant was not named initially in the FIR, but his name figured subsequently at the time of the filing of the charge sheet.
6. What was alleged was that this action of wrongful involvement in the case was on account of his belonging to the Scheduled Caste, and it was for that reason that he was being prosecuted with a malicious intent. After the report was submitted by the Competent Authority, he was found innocent and thereafter the criminal proceedings which were initiated against him were dropped.
7. After the prosecution against the Appellant had been withdrawn, a complaint was filed by the Appellant against Respondents No. 1 and 2, along with Accused No. 3. It was alleged that at the behest of Respondent No. 2, the MRO, who bore a grudge against the Appellant, as well as Accused No. 3, whose relatives were the beneficiaries of such allotment, Respondent No. 1 was instigated, and all three, in conspiracy with each

other, implicated the Appellant and his brother. Allegations regarding humiliation, harassment and the commission of offences under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, were made, which upon investigation by a Deputy Superintendent of Police were found to be substantiated. A complaint was then filed, after obtaining proper sanction for prosecution against Respondents No. 1 and 2 before the Magistrate, which led to the filing of the petition under Section 482 CrPC before the High Court.

8. The Private Respondents herein filed Writ Petitions No. 25527 and 24608 of 2000 before the High Court, which were ultimately disposed of by order dated 06.01.2003, by observing that upon completion of the investigation by the Inspector General of Police (PCR Cell), if the commission of offences is revealed, a charge sheet may be filed before the appropriate court as per law. Upon such filing of the charge sheet, it was open to the respondents to appear before the court and place all materials in support of their case to prove their innocence, and until the case is finally disposed of, the Appellant shall not be arrested.
9. An appeal was preferred against this order before a Division Bench by the Appellant as well as the State of Andhra Pradesh, whereupon the Division Bench

proceeded to dispose of the same by setting aside the order of the Single Judge to the extent of directing no arrest of the respondents till the finalization of the case.

10. After the investigation was completed, the competent court took cognizance of the charge sheet that was filed, and the same was numbered as PRC No. 25/2014, pending committal to the Special Court for the trial of cases under the SC and ST (Prevention of Atrocities) Act, 1989. It was at this stage that a challenge was posed to these proceedings initiated against the private respondents by filing a petition under Section 482 CrPC seeking quashing thereof.
11. As stated above, the High Court proceeded to allow the petition so preferred, by quashing the proceedings, leading to the filing of the present appeal.
12. It is the contention of the learned counsel for the appellant that the High Court erred in exercising its jurisdiction under Section 482 of the Code of Criminal Procedure, 1973. There was overwhelming evidence in the form of 39 witnesses and substantial incriminating material against the respondents, establishing a strong prima facie case under Section 3(1)(viii), (ix) & (3)(2)(vii) of the SC/ST Act. The scope of Section 482, according to the counsel, is limited and should be invoked only in cases where no alternative remedy is available to the

accused. The Trial Court, at the stage of framing of the charge, would be competent to assess the prima facie evidence and discharge the accused if the material is insufficient. The High Court exceeded its jurisdiction by engaging in a roving inquiry into the prosecution case instead of confining itself to determining whether the allegations disclosed a cognizable offence. Proper appreciation of the material gathered by the investigating agency was not carried out and, in any case, the same should have been left to the trial court. The High Court has overstepped its authority while exercising its extraordinary jurisdiction by approaching the case in a manner of evaluating the evidence, which is impermissible by way of a superficial reading of the case record, which has led to erroneous conclusions that undermine the incriminating evidence on record. The credibility of the witness statements and merits of the prosecution case cannot be adjudged by the High Court at the pre-trial stage. The Court should have left the assessment of the veracity of the evidence of the witnesses and the prosecution case to the trial court.

13. On the other hand, Learned Counsel for the Private Respondent No. 2, the MRO, has submitted that there was no *mala fide* intention on the part of the private respondents as they were performing the duties assigned to them by following the government guidelines

and instructions from their superiors. The allegations against them are false, motivated, and time barred. Rather, it is the *mala fide* intention on the part of the Appellant to seek revenge because of the evidence collected regarding his involvement in the group clash. Reliance has been placed on the report of the Sub-Collector, Kovvur, who returned a finding that there was no *mala fide* intention on the part of the private respondents, especially the MRO. The action taken by him with regard to the allotment of the plots, were according to the government instructions, leading to the dropping of the departmental proceedings initiated against Respondent No. 2 by the department.

14. As regards the evidence which had been collected against the Appellant during the investigation of the criminal case of the year 1995 relating to the group clash, statements were recorded of the injured parties who had named him, establishing his presence. The arrest of the Appellant and his family members was made only after the directions were issued by the Sub-Collector and the SDM, Kovvur, to the Station House Officer. Submission has also been made that the withdrawal of prosecution against the Appellant by the government at the very initial stage, as ordered, does not reflect that the Appellant was wrongly implicated as an

accused, as evidence of none of the witnesses and their veracity was tested before the court.

15. That apart, he has supported the High Court judgment, and the observations made therein which also acknowledges that the respondents acted on instructions from their superiors. The factum of there being a complaint on 16.06.2003, whereas the incident occurred in May 1995, reflects upon the ill-intention on the part of the Appellant, as it is delayed and time-barred. His further submission is that, for invoking provisions under the SC/ST Act, the *mala fide* intention should have been reflected at the very outset, whereas the same was not present.
16. Going by the contents of the complaint itself, it would reflect that the same could not be sustained for the reason that the dispute occurred between two Scheduled Caste groups, and the same was not driven by caste-based malice. No independent discretion was exercised, nor was it with any *mala fide* intent, either for issuance of the *Pattas* or for arresting the Appellant, rather the same was based upon the official directives from the Sub-Collector and the District Collector.
17. As regards Respondent No. 2, it is asserted that there was no substantive evidence on record to reflect

involvement in the matter beyond the complainant's time-barred assertions. The delay itself casts doubt on the credibility of the allegations made against them. Counsel states that the High Court has not considered the evidence as such, but has, on the basis of justifiable and well-reasoned conclusions, rendered its judgments in favour of the respondents. He therefore pressed for dismissal of the present appeal.

18. Before we proceed to decide the case on merits, it would be appropriate to mention here that during the pendency of the present appeal, Accused No. 1 had expired and vide order dated 12.04.2019 passed in IA No. 25309/2019, the name of Respondent No. 1 stands deleted from the array of parties at the request of the Appellant and upon his application. The present appeal, therefore, cannot proceed qua Appellant No. 1.
19. Having considered the submissions made by the counsel for the parties, and with their assistance having gone through the pleadings and upon consideration of the documents placed on record, we are not inclined to accept the present appeal.
20. The facts as narrated above indicate that the prosecution initiated against the private respondents was based upon a complaint filed by the Appellant on the dropping of and the withdrawal from prosecution in

criminal case qua him. It is at this stage that the allegations of *mala fide* and wrongful prosecution at the behest of Respondent No. 2, the MRO, and Accused No. 3, proprietor of Ramakrishna Theatre, who is alleged to have colluded with Respondent No. 1, the Sub-Inspector of Police, who was the Investigating Officer. Respondent No. 1 falsely implicated the Appellant and his younger brother as accused in the rioting case relating to the clash between two groups belonging to the Scheduled Caste. The basis for the *mala fide* is the complaint which has been lodged by the Appellant against Respondent No. 2 for wrongfully allotting two house sites *Pattas* to the *Kapu* community related to Accused No. 3, whereas the same were reserved for the Scheduled Caste category.

21. It is an admitted position that, on the complaint, initially, it was *prima facie* observed to be correct but on detailed inquiry and on clarification, it turned out that the allotment made by Respondent No. 2 was as per the government instructions. In any case, the cancellation of allotment had taken place. Therefore, there was no reason as to why Respondent No. 2 would proceed to malafidely involve the Appellant and his family in the case. That apart, since it was admittedly a dispute between two groups belonging to the Scheduled Caste, and the clash was not with any other community, rather

intra-caste, involvement of the Appellant because of him being a Scheduled Caste in the criminal case does not arise, what to say of *mala fide*. No evidence has been brought on record which would indicate *mala fide* intention on the part of Respondent No. 2 or any connivance. The bald allegations against the Appellant would not in itself be sustainable.

22. Perusal of the complaint would also indicate that the grievance was not really relatable to the false and malicious involvement in the criminal proceedings against the Appellant and his family members because of them belonging to Scheduled Caste. The very intent being absent, the offences for which the prosecution has been launched are not made out. That apart, merely because a number of cases and various litigations are pending between the Appellant and Respondent No. 2, in itself cannot be a ground for presuming that the prosecution initiated against the appellant was at the behest of and with a false and malicious intent, by now deceased Respondent No. 1. For attracting the offences, as alleged to have been committed by the private respondents, specific instances and incidents supported by evidence are required to be present, which is missing in this case.

23. In ***Masumsha Hasanasha Musalman v. State of Maharashtra***¹, this Court has emphasized that merely because the complainant belongs to the Scheduled Castes or Scheduled Tribes cannot be the sole ground for prosecution. The offences alleged must have been committed solely on the basis of the victim's caste status. Misuse of the statute to settle personal scores or to harass individuals cannot be permitted if it is apparent. The Court should in such situation be not hesitant to step in and stop the said misuse. Prosecution needs to be quashed at an early stage to prevent undue harassment of the accused where there is clear legal infirmity in the prosecution case, such as the allegations, even if taken at their face value, do not disclose an offence or the entire case is a bad faith exercise weaponized to settle personal scores, rather than seeking justice (***Ravinder Singh v. Sukhbir Singh and others***²).
24. This court in ***Dr. Subhash Kashinath Mahajan v. State of Maharashtra and another***³ had also observed that there has been an alarming increase in false complaints under the SC/ST Act, particularly against

¹ (2000) 3 SCC 557

² (2013) 9 SCC 245

³ (2018) 6 SCC 454

public servants and judicial officers with an oblique motive to settle personal scores or to harass individuals. Such acts cannot be allowed to be perpetuated and need to be stopped at the very outset so that there is no miscarriage of justice.

25. The observations and conclusions arrived at by the High Court are based upon the proper appreciation of the pleadings, the correct reading and application of law and thus, cannot be faulted with. The impugned order dated 15.10.2014 as passed by the High Court being in accordance with law does not call for any interference.
26. The appeal is accordingly dismissed.
27. Pending application(s), if any, shall also stand disposed of.

.....**CJI.**
[B. R. GAVAI]

.....**J.**
[AUGUSTINE GEORGE MASIH]

NEW DELHI;
JULY 23, 2025.