



2026:AHC:40988

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 233 of 2026

Harshit @ Honey

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Paritosh Sukla, Shashwat Shukla
Counsel for Respondent(s) : G.A., Krishna Kant Dubey, Santosh
Kumar Dubey

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellant, Sri Santosh Kumar Dubey, learned counsel for informant/ respondent and Sri R.K. Singh, learned AGA for State.

2. This criminal appeal under Section 14-A(1) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant against the summoning order dated 09.08.2024 passed by Special Judge S.C./S.T. Act, Gautam Budh Nagar in Complaint Case No. 150 of 2024 (Kamlesh Devi v/s Radha Sharma and others), under sections 323, 504, 506 I.P.C. and 3(1) (Da), 3(1) (Dha) S.C./S.T. Act, at Police Station Jewar, District Gautam Budh Nagar pending in the court of Special Judge S.C./S.T. Act, Gautam Budh Nagar, whereby the court concerned has wrongly summoned the appellant in the present complaint case.

3. Learned counsel for the appellant has submitted that the learned Trial Court has committed gross illegality by converting the protest petition into a complaint without either accepting or rejecting the final report. He further submitted that a thorough and impartial investigation was carried out by the Investigating Officer, who found that the allegations made in the FIR were false and fabricated. However, the learned Trial Court, without considering the evidence collected during the investigation, merely satisfied the wish of the respondent/complainant by converting the protest petition into a complaint.

4. In support of his submission, he has placed reliance upon the judgment of a Coordinate Bench of this Court in Application U/S 482 No.8048 of

2023 (Rajeev Goel and 2 Others vs. State of U.P. and Another) decided on 17.3.2023. He has drawn attention to paragraph 12 of the said judgment, wherein it has been held that before converting a protest petition into a complaint, the learned Trial Court is bound either to accept or reject the police report submitted under Section 173(2) Cr.P.C. Learned counsel has further submitted that the learned Trial Court has not followed the due procedure prescribed under the Cr.P.C. Hence, the impugned summoning order is illegal and liable to be set aside.

5. He further submitted that the allegations made in the complaint case are prima facie concocted and fabricated. The alleged incident is stated to have occurred within the house of the appellant; therefore, the offence under the SC/ST Act is not made out. He has, accordingly, prayed that the impugned order dated 9.8.2024 passed by the learned Trial Court be set aside.

6. On the other hand, learned AGA for the State and learned counsel for the informant have submitted that once the Court has converted the protest petition into a complaint and has thereafter summoned the appellant after recording the statements of the complainant and her witnesses, the appellant is not entitled to challenge the earlier order converting the protest petition into a complaint. It was further submitted that the respondent/complainant has categorically stated before the Court that she was harassed and abused by the appellants on the road when she demanded her wages from them. She has also alleged that casteist slurs were used by the appellant. Hence, the impugned summoning order does not warrant any interference.

7. Heard learned counsel for the parties and perused the impugned order.

8. So far as the legal argument raised by the learned counsel for the appellant is concerned, same were considered by this Court. It is apparent that vide order dated 14.2.2024, the learned Trial Court, before converting the protest petition into a complaint, observed that the complainant was not satisfied with the investigation carried out by the Investigating Officer. After making this observation, the learned Trial Court converted the protest petition into a complaint. It is true that conversion of a protest petition into a complaint requires that the Court must disagree with the police report submitted under Section 173(2) Cr.P.C. Now the question arises whether such disagreement must find specific reflection in the order of the Court. This Court finds that a specific recital of disagreement is not mandatory. If

the Court decides to convert the protest petition into a complaint, it inherently implies that the final report has not been accepted.

9. So far as the other facts of the case are concerned, it is apparent that the alleged dispute occurred between the parties after the respondent/complainant demanded her wages from the appellant. Moreover, the respondent / complainant has barely mentioned that जातिसूचक शब्द और धोबिन words were used by appellant. It is an admitted fact that the complainant herself stated that she used to wash clothes of the appellant and, on the alleged date, had gone to their house to demand the wages for the clothes washed by her. She further stated that while she was returning, the appellants met her on the way, where she again demanded her wages.

10. These facts clearly reflect that a contractual relationship existed between the parties, wherein the respondent/complainant used to wash the clothes of the appellant. The question, therefore, arises whether the use of a word indicating the profession of the victim would constitute an offence under the SC/ST Act. This Court finds that merely calling a person by referring to his or her profession, would not by itself attract the provisions of the SC/ST Act, unless it is established that those words were intentionally used with intent to humiliate the victim belonging to community of SC/ST .

11. Accordingly, the appeal is **partly allowed**. The summoning order dated 09.08.2024, as well as the proceedings in Complaint Case No. 150 of 2024, insofar as they relate to offences under Section 3(1) (Da), 3(1)(Dha) S.C./S.T. Act, are hereby quashed. However, the proceedings in respect of the remaining offences under Sections 323, 504, 506 I.P.C. shall continue in accordance with law.

February 24, 2026
Mukesh

(Anil Kumar-X,J.)