IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MMO No. 1254 of 2024
Date of Decision: 20.08.2026

Sunil Kumar & another ...Petitioners

Versus

State of Himachal Pradesh & another ...Respondents

Coram:
The Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?[1] Yes.

For the Petitioners: Mr. Naresh K. Sharma and Mr. Kamal Sharma, Advocates.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General, for the respondent-State.

Mr. M.A.Safee, Advocate, for respondent No.2.

Sandeep Sharma, J. (Oral)

By way of instant petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, prayer has been made on behalf of the petitioners for quashing of FIR No. 222 of 2021, dated 10.10.2021, registered at Police Station, Ghumarwin, District Bilaspur, Himachal Pradesh, under Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as well as consequential proceedings i.e., Sessions Trial No. 22 of 2024, titled ***State of H.P. vs. Sunil***

[1] Whether reporters of the local papers may be allowed to see the judgment?

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Sharma and another, pending in the Court of learned Sessions Judge, Bilaspur, District Bilaspur, Himachal Pradesh.

2. Precisely, the grouse of the petitioners, as has been highlighted in the petition and further canvassed by Mr. Naresh Kumar Sharma, learned counsel representing the petitioners, is that once Investigating Agency, after having investigated the matter twice, had submitted closure report, there was no authority, if any, vested with the District Level Vigilance and Monitoring Committee set up by State of Himachal Pradesh in terms of Rule 17 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, to initiate proceedings against the petitioners.

3. Quintessential facts, relevant for the adjudication of the case at hand, are that on 10.10.2021, election was being conducted for the managing committee of an organization named "Aprajita", which had been also running a Bal Ashram at Bhager, District Bilaspur, Himachal Pradesh. Petitioner No. 1, Sh. Sunil Kumar, was the President of afore organization, whereas Respondent No. 2/complainant, Shri Nishant Kumar, was serving as its Secretary. Allegedly, at the time of election some altercation took place *interse* petitioner No.1 and Akashay Sharma, who is stated to be close friend of the complainant and thereafter

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petitioners allegedly hurled abuses and made casteist remarks (Chamar) against respondent No. 2. In the aforesaid background, FIR, as detailed hereinabove, came to be registered at Police Station, Ghumarwin, District Bilaspur, Himachal Pradesh.

4. Police, after having conducted the investigation, filed closure report before the District Level Vigilance and Monitoring Committee (**hereinafter referred to as the 'Committee'**) constituted in terms of Rule 17 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. The Committee, in its meeting held on 13.12.2021, concurred with the findings given in the closure report prepared by the investigating agency, as a result thereof, closure report came to be filed before the competent Court of law, i.e., learned Sessions Judge, Bilaspur. Complainant filed objections to the said closure report, which were allowed vide order dated 29.04.2023 **(Annexure P-8),** by learned Sessions Judge, Bilaspur and he ordered for further investigation in the matter. In terms of aforesaid order passed by learned Court below, police carried out further investigation, but yet found no concrete evidence in support of the allegations levelled by the complainant and as such, again proposed to file closure report. The investigating agency, at first instance, submitted closure report before the Committee in terms of the Rules, 1995. The Committee, after having perused the cancellation report proposed to be filed by

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the police, straightaway directed the investigating agency to present challan before the competent Court of law. In compliance with the directions issued by the Committee, investigating agency, after having recorded the statements of two more witnesses, straightaway presented the challan in the Court of learned Sessions Judge, Bilaspur under Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and Section 506 of IPC.

5. Before learned Sessions Judge, Bilaspur could proceed further in the matter, petitioners have approached this Court in the instant proceedings, praying to quash the FIR as well as consequent proceedings. This Court, vide order dated 10.12.2024, stayed further proceedings, as a result thereof, matter remained pending before learned Court below till the time aforesaid interim order dated 10.12.2024 was vacated on 27.06.2025. This Court has been apprised that charges now stand framed against the accused i.e. petitioners herein.

6. I have heard learned counsel for the parties and gone through the record carefully.

7. Before ascertaining the genuineness and correctness of the submissions and counter submissions having been made by the learned counsel for the parties vis-à-vis prayer made in the

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instant petition, this Court deems it necessary to discuss/elaborate the scope and competence of this Court to quash the criminal proceedings while exercising power under Section 482 of Cr.P.C.,(now Section 528 of BNSS).

8. Hon'ble Apex Court in judgment titled ***State of Haryana and others vs. Bhajan Lal and others, 1992 Supp (1) SCC 335*** has laid down several principles, which govern the exercise of jurisdiction of High Court under Section 482 Cr.P.C. (now Section 528 of BNSS). Before pronouncement of aforesaid judgment rendered by the Hon'ble Apex Court, a three-Judge Bench of Hon'ble Court in ***State of Karnataka vs. L. Muniswamy and others, 1977 (2) SCC 699***, held that the High Court is entitled to quash a proceeding, if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. Relevant para is being reproduced herein below:-

> "7....In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution,

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> the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to laws made by the legislature. The compelling necessity for making these observations is that without a proper realisation of the object and purpose of the provision which seeks to save the 511 inherent powers of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction."

9. Subsequently, Hon'ble Apex Court in **Bhajan Lal (supra),** has elaborately considered the scope and ambit of Section 482 Cr.P.C. Subsequently, Hon'ble Apex Court in ***Vineet Kumar and Ors. v. State of U.P. and Anr.***, while considering the scope of interference under Sections 397 Cr.P.C and 482 Cr.P.C, (now Sections 438 and 528 of BNSS). by the High Courts, has held that High Court is entitled to quash a proceeding, if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceedings ought to quash. Hon'ble Apex Court has further held that the saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose i.e. a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In the aforesaid case, the Hon'ble Apex Court taking note of seven categories, where power can be exercised under Section 482 Cr.P.C, as enumerated in **Bhajan Lal** (supra), i.e.

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where a criminal proceeding is manifestly attended with mala-fides and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, quashed the proceedings.

10. Hon'ble Apex Court in ***Prashant Bharti v. State (NCT of Delhi), (2013) 9 SCC 293,*** while drawing strength from its earlier judgment titled as ***Rajiv Thapar and Ors v. Madan Lal Kapoor, (2013) 3 SCC 330***, has reiterated that High Court has inherent power under Section 482 Cr.P.C(now Section 528 of BNSS), to quash the initiation of the prosecution against an accused, at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charge, but such power must always be used with caution, care and circumspection. While invoking its inherent jurisdiction under Section 482 of the Cr.P.C. (now Section 528 of BNSS)., the High Court has to be fully satisfied that the material produced by the accused is such, that would lead to the conclusion, that his/their defence is based on sound, reasonable, and indubitable facts and the material adduced on record itself overrules the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. The material relied upon by the accused should be such, as would persuade a reasonable person to dismiss and condemn the actual

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basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 Cr.P.C. (now Section 528 of BNSS) to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice. In the aforesaid judgment titled **Prashant Bharti v. State (NCT of Delhi), (2013) 9 SCC 293,** the Hon'ble Apex Court has held as under:-

> "22. The proposition of law, pertaining to quashing of criminal proceedings, initiated against an accused by a High Court under Section 482 of the Code of Criminal Procedure (hereinafter referred to as "the Cr.P.C.") has been dealt with by this Court in Rajiv Thapar & Ors. vs. Madan Lal Kapoor wherein this Court inter alia held as under: (2013) 3 SCC 330, paras 29-30) 29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 of the Cr.P.C., if it chooses to quash the initiation of the prosecution against an accused, at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 of the Cr.P.C., at the stages referred to hereinabove, would have far reaching consequences, inasmuch as, it would negate the prosecution's/complainant's case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 of the Cr.P.C. the High Court has to be fully satisfied, that the material produced by the accused is such, that would lead to the conclusion, that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such, as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such, as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording

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any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such, as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 of the Cr.P.C. to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice. 30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashing, raised by an accused by invoking the power High Court of H.P. vested in the High Court under Section 482 of the Cr.P.C.:-

30.1 Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the material is of sterling and impeccable quality?

30.2 Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

30.3 Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

30.4 Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5 If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused."

11. From the bare perusal of aforesaid exposition of law, it is quite apparent that while exercising its inherent power under

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Section 482 Cr.P.C.,(now Section 528 of BNSS), High Court can proceed to quash the proceedings, if it comes to the conclusion that allowing the proceedings to continue would be an abuse of process of the law.

12. Now being guided by the aforesaid law laid down by the Hon'ble Apex Court from time to time, this court would make an endeavour to find out "whether the case at hand is a fit case to exericise power under Section 482 Cr.P.C (now Section 528 of BNSS) to quash the summoning order dated 19th September, 2019, passed by learned Additional Chief Judicial Magistrate, Sundernagar, District Mandi, Himachal Pradesh as well as criminal complaint bearing No. 330 of 2019, titled **Yog Raj versus The Minance Technologies Private Limited?.**

13. Precisely, the questions, which need to be determined in the case at hand are:-

1. **Whether the Committee constituted in terms of Rule 17 of the Rules has power to order the investigating agency to file a challan in the competent Court of law, especially when the investigating agency, after having conducted a detailed investigation, had proposed for filing of closure report?**
2. **Whether the investigating agency, merely on the basis of directions, if any, issued by the Committee,**

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could carry out further investigation, or it was required to place the closure report before the competent Court of law for necessary orders?

14. Before exploring answer to the aforesaid questions, this Court finds it necessary to take note of Rule 7 and Rule 17 of the Rules, which read as under:

> **"7. Investigating Officer.**(1)An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government/Director General of Police/Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it alongwith right lines within the shortest possible time.
>
> (2)[The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority, submit the report to the Superintendent of Police, who in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government , and the officer in-charge of the concerned police station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge-sheet).
>
> (2A)The delay, if any, in investigation or filing of charge-sheet in accordance with sub-rule (2) shall be explained in writing by the investigating officer.] *[Substituted by Notification No. G.S.R. 424(E), dated 14.4.2016 (w.e.f. 31.3.1995).]*
>
> (3)[The Secretary, Home Department and the Secretary , Scheduled Castes and Scheduled Tribes Development Department (the name of the Department may vary from State to State) of the State Government or Union territory Administration, Director of Prosecution, the officer in-charge of Prosecution and the Director General of Police or the Commissioner of Police in-charge of the concerned State or Union territory shall review by the end of every quarter the position of all investigations done by the investigating officer.
>
> 17. **Constitution of District-level vigilance and monitoring committee.** (1)In each district within the State, the District

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Magistrate shall set up a vigilance and monitoring committee in his district to review the implementation of the provisions of the Act, [scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act,] *[Inserted by Notification No. G.S.R. 424(E), dated 14.4.2016 (w.e.f. 31.3.1995).]* relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.

(2)The district-level vigilance and monitoring committee shall consist of the elected Members of the Parliament and State Legislative Assembly and Legislative Council, Superintendent of Police, three group " A " Officers/Gazetted Officers of the State Government belonging to the Scheduled Castes and the Scheduled Tribes, not more than 5 non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with Non-Government Organizations. The District Magistrate and District Social Welfare Officer shall be Chairman and Member-Secretary respectively

.(2A)[***]

(3)The district-level committee shall meet at least once in three months.

15. As per Rule 7, an offence committed under the Act shall be investigated by a police officer not below the rank of Deputy Superintendent of Police, and such officer shall complete the investigation on top priority, submit the report to the Superintendent of Police, who in turn shall immediately forward the same to the Director General of Police or Commissioner of Police of the State Government. Besides above, the officer in charge of the concerned police station shall also file charge-sheet in the Special Court or the Exclusive Special Court within a period of sixty

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days. Rule 7(3) gives power to certain authorities, as detailed in the aforesaid rule, to review by the end of every quarter the position of all investigations done by the Investigating Officer.

16. Rule 17 provides for the constitution of the District Level Vigilance and Monitoring Committee. The District Level Committee shall comprise of elected Members of Parliament, State Legislative Assembly and Legislative Council, the Superintendent of Police, three Group 'A' officers/ gazetted officers of the State Government belonging to the Scheduled Castes and Scheduled Tribes, not more than five non-official members belonging to the Scheduled Castes and Scheduled Tribes, and not more than three members from the categories other than the Scheduled Castes and Scheduled Tribes having association with Non-Governmental Organizations.

17. Rule 17(1) clearly provides that aforesaid Committee is to review the implementation of the provisions of the Act (scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified under sub-section (11) of Section 15A of Chapter IV-A of the Act,) relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases, under the Act, the role of different

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officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.

18. Though, careful perusal of the aforesaid Rules suggests that the District Level Committee shall have the power to review the prosecution of cases under the Act, but it nowhere suggests that it has the power to order further investigation, which power solely lies with the competent Court of law where the challan is filed. Similarly, this Court nowhere finds from the aforesaid Rules that Investigating Agency, after having completed the investigation, is under an obligation to submit a closure report before the District Level Committee at the first instance, rather same is required to be filed before the competent Court of law, which has the power either to accept the same or order further investigation, if any required.

19. Though, complainant has the right to file objections qua the cancellation/closure report, but Committee, which has the power to review the prosecution of cases, can also come forward or direct the Investigating Officer to approach competent Court of law for further investigation. However, certainly Committee cannot be said to have any power to order further investigation straightaway, especially when matter is pending adjudication

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before the competent Court of law, which had ordered further investigation pursuant to the objections filed by the complainant.

20. At the cost of repetition, it is noticed that at the first instance, police, after having conducted the investigation, filed cancellation report, but pursuant to objections filed by the complainant, cancellation report was not accepted by the competent court of law, rather, Investigating Officer came to be directed to conduct further investigation. The police conducted further investigation and arrived at the same conclusion that no case is made out against the accused i.e., petitioners herein, but instead of filing the cancellation report before the competent court of law, it proceeded to place the same before the Committee constituted in terms of Rule 17, which in its wisdom without there being any authority vested with it, ordered further investigation. Investigating agency in compliance of the directions passed by the Committee, recorded the statements of two more witnesses namely, Inder Singh and Amit Kumar and straightaway proceeded to file charge-sheet in the competent court of law, i.e., learned Sessions Judge, Bilaspur, who had actually ordered for further investigation.

21. Once competent Court of law had ordered for further investigation and the police in compliance thereto had conducted

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further investigation, there was no occasion for the investigating agency to place the cancellation report before the Committee, which without there being any authority vested in it had ordered for further investigation. Interestingly, learned Sessions Judge, Bilaspur, who had ordered for further investigation in the case at hand, also proceeded to take cognizance of the charge-sheet and issued notices to the accused i.e., petitioners herein.

22. Though, Mr. Rajan Kahol, learned Additional Advocate General, attempted to argue that the Committee constituted in terms of Rule 17 has the power to take note of prosecution of cases filed under the SC/ST Act and in that process, if it is not satisfied with the investigation, it has power to direct the investigating agency to carry out further investigation, however, this Court is not impressed with the aforesaid submission of learned Additional Advocate General.

23. Bare perusal of Rule 17, as has been taken note hereinabove, clearly reveals that District Level Vigilance and Monitoring Committee has been set up in each district to review the implementation of the provisions of the Act. Since Section 15-A of the Act provides for certain rights of victims and witnesses in accessing justice, under sub-clause (11) of Section 15-A, duty has been cast upon the concerned State to specify an appropriate

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scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice.

24. At this stage, it would be apt to take note of Section 15-A of the Act, which reads as under:-

> **"15A. Rights of victims and witnesses.—**
>
> (1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence
>
> .(2)A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.
>
> (3)A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.
>
> (4)A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.
>
> (5)A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.
>
> (6)Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—(a) the complete protection to secure the ends of justice;
>
> (b)the travelling and maintenance expenses during investigation, inquiry and trial;
>
> (c)the social-economic rehabilitation during investigation, inquiry and trial; and

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(d)relocation.

(7)The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8)Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—

(a)concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;

(b)issuing directions for non-disclosure of the identity and addresses of the witnesses;

(c)take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9)It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10)All proceedings relating to offences under this Act shall be video recorded.

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(11)It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—

(a)to provide a copy of the recorded First Information Report at free of cost;

(b)to provide immediate relief in cash or in kind to atrocity victims or their dependents;

(c)to provide necessary protection to the atrocity victims or their dependents, and witnesses;

(d)to provide relief in respect of death or injury or damage to property;

(e)to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;

(f)to provide the maintenance expenses to the atrocity victims and their dependents;

(g)to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;

(h)to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;

(i)to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;

(j)to take necessary precautions at the time of medical examination;

(k)to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;

(l)to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;

(m)to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;

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> (n)to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights."

25. Careful perusal of aforesaid provisions of law nowhere suggests that the Committee can interfere with the investigation, which is to be carried out by the Investigating Agency, rather besides providing a copy of the recorded First Information Report free of cost; it may also provide immediate relief in cash or in kind to atrocity victims or their dependants.

26. Besides above, Committee can also provide information to atrocity victims or their dependants or associated organisations or individuals, on the status of investigation and charge-sheet and provide copy of the charge-sheet free of cost. The Scheme also envisages to give adequate briefing on the case and preparation for trial to atrocity victims or their dependants or associated organisations or individuals and to provide legal aid for the said purpose, meaning thereby, legal aid, if required, can be provided to atrocity victims under the Scheme, but it nowhere provides that Committee, upon being dissatisfied with the investigation, can direct the Investigating Officer to conduct the investigation in a particular manner, which, if permitted, would amount to interference in the investigation/re-investigation.

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27. At this stage, Mr. M.A. Safee, learned counsel representing respondent No. 2, specifically referred to Rule 7(3), which has been extracted hereinabove, to state that the Committee has the power to review by the end of every quarter the position of all investigations conducted by the Investigating Officer. Though, having carefully perused Rule 7(3), this Court cannot have any quarrel with the aforesaid submission of Mr. Safee, but if Rule 7(3) is perused in its entirety, it nowhere suggests that the Committee can order further investigation, rather in that situation, it can only provide necessary legal assistance to the atrocity victim to move an appropriate application before the competent Court of law, praying therein for further investigation. If Rule 17 is read in conjunction with Section 15-A of the Act, this Court is persuaded to agree with the submission of the learned counsel for the petitioners that role of the Committee is supervisory/advisory, whereby while reviewing the progress of the cases initiated under the Act, it may also ensure the implementation of the rights and entitlements of victims as provided in the Scheme framed under sub-section (11) of Section 15-A of the Act. Needless to say, it is within the domain of the Magistrate to order for further investigation, if he or she is not satisfied with the investigation conducted by the investigating agency.

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28. Admittedly, in the case at hand, after lodging the FIR sought to be quashed, police, after conducting the investigation, submitted closure report, which was duly concurred with by the Committee. However, Court concerned, having taken note of the objections filed by the complainant, ordered for further investigation. Police again conducted the investigation, but found no substance in the complaint of respondent No. 2 and as such, recommended for closure report. However, before same could be filed before the competent Court of law, the Committee directed the investigating agency to file challan, which was not within its competence. Interestingly, investigating agency, after having received the aforesaid order from the Committee, proceeded to record the statements of two more witnesses and arrived at the conclusion that case is made out against the accused under Section 3(1)(r) instead of Section 3(1)(s) of the Act.

29. Leaving everything aside, once it is not in dispute that charge-sheet/challan upon which competent Court of law took cognizance was prepared on the basis of further investigation ordered by the Committee, coupled with the fact that even on the second occasion investigating agency, which had conducted further investigation pursuant to the directions passed by the Court had proposed to file closure report, the challan cannot be permitted to sustain, especially when this Court is satisfied that police

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subsequently recorded statement of two persons, named Inder Singh and Amit Kumar, just to ensure that challan is filed against petitioner under relevant provisions of the Act.

30. Though, at this stage, learned Additional Advocate General attempted to state that challan was filed in the competent Court of law on the basis of fair investigation and as such, there is no occasion for this Court to interfere, however, for the detailed discussion made hereinabove, this Court is not persuaded to agree with the submissions of learned Additional Advocate General.

31. Admittedly, in the case at hand, investigating agency carried out the investigation twice, and on both occasions, it proposed to file a cancellation/closure report. The first cancellation report was not accepted by the competent Court of law, which ordered for further investigation and on the basis of fresh investigation again proposed to file cancellation report. However, before same could be submitted to the Court, Committee intervened and directed the investigating agency to file challan before the competent Court of law, meaning thereby police conducted investigation twice, but on both occasion no merit was found to the allegations and as such, there appears to be no justification to make the accused suffer indefinitely on account of the pendency of criminal cases.

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32. At this stage, reliance is placed upon recent judgment of Hon'ble Apex Court in case titled **Paliniswamy Veeraja and Ors. v. The State of Karnataka and Anr.**, Criminal Appeal No. _ of 2026 (@Special Leave Petition (Crl.) 16149 of 2024), decided on 26.05.2026. Relevant paras of the judgment are as under:

> **"8.** We now consider the rival contentions. The short question which arises for consideration is whether it was open for the investigating authorities to initiate further investigation into the same set of allegations after closure report had been filed twice and whether the same could have been done in the absence of express permission from the Magistrate. A secondary question in these facts is whether the dispute *inter se* parties is civil in nature and, therefore, the recourse to criminal law would be unjustified.
>
> **9.** On both these questions, the law is no longer *res integra*. True it is that, as held in *Rama Chaudhary* v. *State of Bihar*[5], the text of Section 173(8) CrPC does not explicitly mandate seeking of permission from the Magistrate and neither does 193(9) BNSS. However, the *proviso* to the said Section mandates that permission of the Court is explicitly required once the trial has begun. Even though the statute does not require express permission, the law as it has developed, has made abundantly clear that seeking of permission from the concerned Magistrate has evolved into a requirement. In *Vinay Tyagi* v. *Irshad Ali*[6], it has been held as follows:
>
> > "**49.** Now, we may examine another significant aspect which is how the provisions of Section 173(8) have been understood and applied by the courts and investigating agencies. It is true that though there is no specific requirement in the provisions of Section 173(8) of the Code to conduct "further investigation" or file supplementary report with the leave of the court, the investigating agencies have not only understood but also adopted it as a legal practice to seek permission of the courts to conduct "further investigation" and file "supplementary report" with the leave of the court. The courts, in some of the decisions, have also taken a similar view. The requirement of seeking prior leave of

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> the court to conduct "further investigation" and/or to file a "supplementary report" will have to be read into, and is a necessary implication of the provisions of Section 173(8) of the Code. The doctrine of contemporanea expositio will fully come to the aid of such interpretation as the matters which are understood and implemented for a long time, and such practice that is supported by law should be accepted as part of the interpretative process.

This proposition was approved in *Vinubhai Haribhai Malaviya* v. *State of Gujarat*[7] and reiterated in *Peethambaran* v. *State of Kerala*[8]. Recently, in *Robert Lalchungnunga Chongthu* v. *State of Bihar*[9], this Bench observed as follows:

> "**21.** Before parting with this matter, we deem it fit to issue the following directions:
>
> **(i)** In view of *Vinay Tyagi* v. *Irshad Ali*, it can be seen that the '*leave of the court*' to file a supplementary chargesheet, is a part of Section 173(8) CrPC. That being the position, in our considered view, the Court is not rendered *functus officio* having granted such permission. **Since the further investigation is being made with the leave of the Court, judicial stewardship/control thereof, is a function which the court must perform.**
>
> **(ii)** Reasons are indispensable to the proper functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. **If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information report and the culminating chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.**
>
> The direction above does not come based on this case alone. This Court has noticed on many unfortunate occasions that there is massive delay in filing chargesheet/taking cognizance etc. This Court has time and again, in its pronouncements underscored the necessity of speedy investigation and trial as being important for the accused, victim and the society.

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However, for a variety of reasons there is still a lag in the translation of this recognition into a reality.

(iii) While it is well acknowledged and recognised that the process of investigation has many moving parts and is therefore impractical to have strict timelines in place, at the same time, the discussion made in the earlier part of this judgement, clearly establishes that investigations cannot continue endlessly. The accused is not out of place to expect, after a certain point in time, certainty- about the charges against him, giving him ample time to preparing plead his defence. **If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 CrPC, seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered.**

(iv) Reasons are not only important in the judicial sphere, but they are equally essential in administrative matters particularly in matters such as sanction for they open the gateway to greater consequences. Application of mind by the authorities granting or denying sanction must be easily visible including consideration of the evidence placed before it in arriving at the conclusion.

[emphasis in original]"

10. Record reveals that although an application had been filed before the concerned Magistrate for further investigation a third time around, no order specifically granting permission is appended on record, neither it is a submission of the party that permission stood granted. In view of the above judgments, submission of respondent no. 2 that permission is not required has to be negated.

11. On this short ground alone, the First Information Report and the eventual chargesheet could be quashed, set aside and the matter would be put to rest. Even otherwise, in view of the fact that proceedings *inter se* the parties have been ongoing for a

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> considerable period of time, doing so would leave open the possibility of another round of litigation and as such we proceed to examine the merits of the matter."

33. Consequently, in view of the detailed discussion made hereinabove as well as law laid down by the Hon'ble Apex Court (supra), present petition is allowed and FIR No. 222 of 2021, dated 10.10.2021, registered at Police Station, Ghumarwin, District Bilaspur, Himachal Pradesh, under Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as consequential proceedings i.e., Sessions Trial No. 22 of 2024, titled ***State of H.P. vs. Sunil Sharma and another***, pending in the Court of learned Sessions Judge, Bilaspur, District Bilaspur, Himachal Pradesh, are quashed and set-aside. The petitioners-accused are acquitted of the charges framed against them.

34. The petition stands disposed of in the aforesaid terms, alongwith all pending applications.

(Sandeep Sharma)
Judge

August 20, 2026
(shankar)

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