



2026:DHC:7179



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: August 13, 2026
Pronounced on: August 25, 2026

CNR No. DLHC010209312022

+ CRL.M.C. 2571/2022

MADHUBALA JAIN & ANR.

.....Petitioners

Through: Mr. Ashish Sinha and Ms. Ishita Sinha, Advs.

Versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State with Ms. Upasana Bakshi, Adv.
Mr. Ranjit Kumar Dubey, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Section 482* of the Code of Criminal Procedure, 1973¹, the petitioners seek quashing of the impugned order on charge dated 08.03.2022 passed by the learned Additional Sessions Judge-02 (Spl. Judge) SC & ST Act (West) Delhi² in C.C. No.04/2019 under *Section 3(1)(x)* of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (old act)³ read with *Sections 323/427/500/506/186/353/34* of the India Penal Code, 1860⁴.

¹ Hereinafter referred to as "*CrPC*"

² Hereinafter referred to as "*learned Trial Court*"

³ Hereinafter referred to as "*Act*"

⁴ Hereinafter referred to as "*IPC*"



2. As per petitioners, since respondent no.2, (Inspector in charge), received information of a fire in the School on 25.06.2014, wherein the petitioner no.1 was the principle, he informed the petitioner no.1 about the same. Pursuant whereto, on 26.06.2014, the petitioner no.1 went to the classrooms on the First Floor as also the Second Floor of the School respectively with respondent no.2 without security guard. Whence they both were in one of the classrooms, the respondent no.2 misbehaved with her by holding her hand and threatening her to keep quiet and blocking her from going down. This resulted in registration of FIR No.423/2014⁵ dated 26.06.2014 under *Sections 341/354A/354* of the IPC at PS.: Nihal Vihar. The respondent no.2 has since been acquitted by the learned Trial Court *vide* judgment dated 20.01.2018 therein.

3. Further, the respondent no.2 has falsely implicated the petitioners as a counterblast in complaint being C.C. No.04/2019⁶, which stems from an enquiry by respondent no.1 about the reasons for frequent fire incidents in the School, to which the respondent no.2 refused to take ‘*something*’ (*bribe*) offered by petitioner no.1, who, thus passed defamatory/ casteist remarks. Thereafter, the petitioner no.2 (*husband of petitioner no.1*) also passed defamatory remarks of the same kind and manhandled him, thereby obstructed him from carrying out his duty near the office of petitioner no.1.

4. *Vide* impugned order dated 08.03.2022, the learned Trial Court framed charges against the petitioners, which they are now seeking to challenge herein.

⁵ Hereinafter referred to as “*FIR*”

⁶ Hereinafter referred to as “*Complaint*”



5. In this backdrop, Mr. Ashish Sinha, learned counsel for petitioners submitted that the complaint made by respondent no.2 against the petitioners is merely a counterblast to the earlier FIR registered by the petitioner no.1 against the respondent no.2. More so, since it was made only after a lapse of more than one year after the incident on 30.06.2015. This is an afterthought. The petitioner no.2 (*husband of petitioner no.1*) has been falsely implicated only because he came to support his wife in a moment of crisis, i.e., fire incident within the School premises on 26.06.2014.

6. Mr. Ashish Sinha also submitted that since the *alleged* casteist remarks were made inside the School building, it being an enclosed space, there was no “*public view*”. Thus, the said remarks do not come within the ambit of *Section 3(1)(x)* of the Act. The learned counsel relied upon the judgment(s) passed by the Hon’ble Supreme Court entitled ***Swaran Singh & Ors. vs. State***⁷, ***Gunjan @ Girija Kumari vs. State***⁸, ***Hitesh Verma vs. State of Uttarakhand***⁹ and ***Karuppudayar vs. State Rep. By Deputy Superintendence of Police, Lalagudi Trichy & Ors.***¹⁰.

7. In response, Mr. Ranjit Kumar Dubey, learned counsel for respondent no.2 submitted that the petitioners being frustrated with respect to the non-acceptance of bribe, passed the casteist remarks. Additionally, the petitioner no.2 had not only passed derogatory comments but had also manhandled the respondent no.2. Since the same are supported by the eye witnesses, they are within the ambit of “*public view*” in terms of *Section*

⁷ 2008 (8) SCC 435

⁸ 2026 INSC 468

⁹ AIR 2020 SC 5584

¹⁰ 2025 INSC 132



3(1)(x) of the Act. In fact, the earlier FIR was registered against respondent no.2 only as he refused to accept bribe for closing the issue of fire incident.

8. In his support, Mr. Satish Kumar, learned APP submitted that the derogatory/ casteist remarks *qua* the caste of respondent no.2 stands verified by various eye witnesses of the incident.

9. This Court has heard learned counsel for the parties as also the learned APP, as also perused the materials on record alongwith the judgment(s) cited at the Bar.

10. As borne out, the sole issue for consideration herein is as to whether the alleged incident in a School premises was “*within public view*” as per Section 3(1)(x) of the Act.

11. This Court is proceeding further with the complaint against each of the petitioners individually. At the outset, the relevant extract of the Complaint *qua* the petitioner no.1 reads as under:-

“... .. Smt. Madhubala Jain, accused No. 1 to take the complainant to the rooms which caught fire yesterday, Sh. Mani Ram, chowkidar (R.R.) was also asked to accompany the complainant, principal to upstairs as the information about the fire was given by the said chowkidar. Smt. Madhubala Jain, accused No.1, the I principal of the school told the chowkidar not to accompany and insisted that she would only accompany the complainant... ..

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... ..she further told the complainant that you have become inspector only after taking undue advantage of reservation policy and further commented "Tu Andha Chamar mera kuchh nahi bigad sakta". Thereafter the complainant and the principal Smt. Madhubala Jain, accused No. 1 came down stairs after inspecting both the rooms, the chowkidar (R.R.)



Mani Ram handed over the report about the fire incident to the complainant and thereafter the complainant and Smt. Madhubala Jain, accused No. 1 went to the principal's office... ..

[Emphasis Supplied]

12. The aforesaid clearly reflects that petitioner no.1 and the respondent no.2 were inside a classroom on the Second Floor of the School building when alleged casteist remarks was passed by her and it is only thereafter that they came down to the Ground Floor near the principal's office. Thus, nobody else barring the petitioner no.1 and the respondent no.2 were there at the spot on Second Floor at that time, and the [CW2] was also asked to wait downstairs.

13. As such, the same does not come under the purview of “*within public view*” in terms of *Section 3(1)(x)* of the Act as nobody was there to hear/ listen to what exactly, if at all, was said there. Merely seeing from a distance was not sufficient. Thus, the testimony of the witness(es) that they saw/ heard casteist slurs being passed is highly speculative/ hypothetical and too far-fetched to draw an inference that what happened was “*within public view*”.

14. Thus, in the considered opinion of this Court, the charges framed against the petitioner no.1 under the Act are not sustainable.

15. Similarly, the relevant extract of the Complaint *qua* the petitioner no.2 reads as under:-

*“... ..Thereafter the principal Smt. Madhubala Jain, accused No. 1 came out of the office of the principal and chowkidar Mani Ram of the school **was asked to leave the school and go out of the school. After Mani Ram chowkidar (R.R.) left the school... ..***



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*... .. after sometime Smt. Madhubala Jain, accused No. 1 called her husband Sh. P.C. Jain, **accused No. 2 through her mobile phone and he also gave wrongful, defamatory and malicious comments connected with the schedule castes of the complainant and he even manhandled the complainant and damaged his optical glasses and snatched away and threw the papers which were lying in the visiting diary of the complainant.** The accused No. 2, the husband of the accused No. 1 caused obstruction intentionally in the official duties which was being performed by the complainant... ..”*

[Emphasis Supplied]

16. As borne out therefrom, the petitioners and the respondent no.2 were present at the principal office on the Ground Floor, and wherein the Security Guard Mr. Manni Ram [CW2]¹¹ was earlier present, though he was later asked to leave the School premises. However, a perusal of his testimony categorically reflects that “... ..I saw while standing outside the gate of the school that he started thrashing and abusing SI with casteist remarks... ..”. Thus, the incident did not occur with a closed premise but in a place which was within the ambit of “within public view” as per Section 3(1)(x) of the Act.

17. Resultantly, there is no reason for setting aside the order framing charges against petitioner no.2 by the learned Trial Court.

18. To fortify the aforesaid, it is relevant to note that the Hon’ble Supreme Court, in **Swaran Singh (supra)**, whilst considering the settled

¹¹ Hereinafter referred to as “[CW2]”



law pertaining to nuances of the expression “*within public view*” of Section 3(1)(x) of the Act has gone onto hold as under:-

“28... .. In our opinion, this was certainly a place within public view, since the gate of a house is certainly a place within public view. It could have been a different matter had the alleged offence been committed inside a building, and also was not in the public view. However, if the offence is committed outside the building e.g. in a lawn outside a house, and the lawn can be seen by someone from the road or lane outside the boundary wall, the lawn would certainly be a place within the public view. Also, even if the remark is made inside a building, but some members of the public are there (not merely relatives or friends) then also it would be an offence since it is in the public view. We must, therefore, not confuse the expression ‘place within public view’ with the expression ‘public place’. A place can be a private place but yet within the public view.”

[Emphasis Supplied]

19. It is, thus, trite that for an act to be “*within public view*” the same must be an open space clearly visible to the members of the public, who are able to witness and/ or hear what was/ is said by any accused like the petitioners herein to the victim like the respondent no.2. The alleged offence, if any, occurring within the confines of a private premises/ behind closed doors, and/ or in the absence of members of the public/ not having any direct visibility, cannot be said to be a place “*within public view*” as per of Section 3(1)(x) of the Act.

20. Considering the factual matrix, the afore-going discussion *qua* the petitioners and the legal position as emerging, the present is a fit case to exercise the inherent powers under Section 482 of the CrPC to set aside the



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impugned order framing charges against the said petitioner no.1 under *Section 3(1)(x)* of the Act. However, the offences against the petitioner no.2, in view of the foregoing, are *prima facie* made out and are thus sustained.

21. In light thereof, the learned Trial Court is at liberty to proceed with trial against the petitioner no.2 arising out of the complaint being C.C. No.04/2019 made by respondent no.2 in accordance with law for the charges under *Section 3(1)(x)* of the Act.

22. *Ergo*, the present petition is partly allowed and disposed of in the aforesaid terms.

23. A copy of this order be sent to the concerned learned Trial Court for information and compliance *forthwith*.

SAURABH BANERJEE, J.

AUGUST 25, 2026/Ab/AKS