



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 9824 of 2025

Bhai Lal

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Home Deptt.
Of Home And Confidential Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd.Altaf Mansoor, Aditya Vikram
Singh, Tanay Chaudhary

Counsel for Opposite Party(s) : G.A.

Court No. - 14

HON'BLE RAJEEV SINGH, J.

1. Heard Shri Mohd. Altaf Mansoor assisted by Shri Aditya Vikram Singh, learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.

2. This application has been filed for quashing the entire proceedings of S.T. No. 245 of 2008, arising out of Case Crime No. 06 of 2008, under Sections 307, 504 I.P.C. and Section 3(2)(v) of SC/ST Act, P.S. Maharajganj, District Raebareli.

3. Learned counsel for the applicant submits that after lodging of the F.I.R., the investigation was assigned to Circle Officer, Maharajganj, but at the initial stage, the investigation was conducted by Mr. Kanhaiya Lal Sonkar, S.H.O., P.S. Maharajganj, District Raebareli, who recorded the statements of the informant, namely, Ram Samujh Pasi as well as other witnesses, namely, Mata Badal Pasi, Raju and Ram Autar Pasi. He also prepared the site plan as well as the arrest memo. Thereafter, charge sheet was submitted by the Circle Officer.

Learned counsel for the applicant submits that Rule 7 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 clearly provides that an offence committed under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 shall be investigated by the Police Officer, not below the rank of Deputy Superintendent of Police and in the present

case, the investigation was also assigned to the Circle Officer, Maharajganj, but Parcha No. I and Parcha No. IA of the case diary was prepared by In-charge Station House Officer. Thereafter, trial was also commenced.

4. Relying on the decision of the Hon'ble Supreme Court in the case of **State of Andhra Pradesh Vs. Viswanadula Chetti Babu, (2010) 15 SCC 103**, learned counsel for the applicant submits that an investigation for the offence of the Act cannot be done by any Officer, below the rank specified as per Rules. It is vehemently submitted that during the course of trial, Mr. Mahendra Pratap, then Circle Officer was examined and cross-examined, who categorically admitted that two Parchas, i.e., recording the statements of witnesses as well as informant and preparing of site plan, were prepared by S.H.O. and not by him. It is, thus, prayed that the indulgence of this Court is necessary and the impugned proceedings may be quashed.

5. Learned A.G.A. opposes the prayer of the applicant, but does not dispute the legal provisions of Rule 7 of Rules, 1995 as well as the judgment relied by the learned counsel for the applicant. He also prays for some time to file reply.

6. Prayer made is allowed.

7. Three weeks' time is granted to the learned A.G.A. to file counter affidavit.

Rejoinder affidavit, if any, may be filed within one week thereafter.

8. List this case on 27.01.2026.

9. Till the next date of listing, trial of the case in question shall remain stayed.

(Rajeev Singh,J.)

December 8, 2025

VKS