



2026:KER:9158

CRL.A NO. 2214 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 3RD DAY OF FEBRUARY 2026 / 14TH MAGHA, 1947

CRL.A NO. 2214 OF 2025

CRIME NO.974/2024 OF Irinjalakuda Police Station, Thrissur

AGAINST THE ORDER/JUDGMENT DATED IN CMP NO.1160 OF 2024

OF SPECIAL COURT FOR SC/ST ATROCITIES ACT CASES, THRISSUR

APPELLANT/COMPLAINANT:

VELAYUDHAN

AGED 68 YEARS

S/O. KORAN, CHEMBERRI HOUSE, PALLISSERY DESOM,
ARATTUPUZHA VILLAGE, ARATTUPUZHA.P.O,THRISSUR,
PIN - 680562.

BY ADVS.

SHRI.MANUMON A.

SHRI.REBIN VINCENT GRALAN

SHRI.MANOJ KRISHNAN K.

SHRI.SURESH C.

SMT.EDATHARA VINEETA KRISHNAN

SMT.ROSNA M. JOY

SMT.GAYATHRI E.S.

SHRI.AVIN KRISHNA M.P.

SMT.ATHIRA SURESH

SHRI.JOHN CHRISTO T.P.

SHRI.AKSHAY KUMAR C.S.

SMT.LINIYA LOVESON

SMT.ANJALI N.S.

RESPONDENTS/STATE & RESPONDENT:

1

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF



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KERALA, PIN - 682031.

2 HIGHWAY KURIES PVT LTD
HIGHWAY KURIES PVT LTD, MANAVALASSERI, MUKUNDAPURAM
TALUK, PIN - REPRESENTED BY ITS MANAGING DIRECTOR
SUBHASH, AGED 48 YEARS, S/O KRISHNAN, AKATHE
PARAMBIL HOUSE, CHERPU, CHERPU PADINJATTUMURI,
PIN: 680561.

BY ADVS.
SRI.JITHIN BABU A
SHRI.ARUN SAMUEL
SHRI.ANOOD JALAL K.J.
SMT.DONA MATHEW

OTHER PRESENT:

PUBLIC PROSECUTOR SRI.JAYAKRISHNAN.U

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
03.02.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



'CR'

JUDGMENT**Dated this the 3rd day of February, 2026**

The complainant in Annexure A4 complaint (CMP No.550 of 2024), wherefrom Crime No.974 of 2024 has been registered by Irinjalakuda Police, alleging commission of offences punishable under Sections 465, 468 and 471 of the Indian Penal Code (for short 'IPC') as well as Sections 3(1)(p) and 3(1)(q) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 (for short 'the SC & ST (PoA) Act') has filed this Criminal Appeal under Section 14A of the SC & ST (PoA) Act, challenging Annexure A9 order in Crl.M.P.No.1160 of 2024 dated 26.08.2025, whereby the learned Special Court under the SC & ST (PoA) Act, dismissed an application filed by the appellant to monitor the investigation.

2. Heard the learned counsel appearing for the appellant, the learned Public Prosecutor for and on behalf of the 1st respondent and the learned counsel appearing for the 2nd respondent/accused in detail. Perused the order impugned and the records available.



3. Precisely, the prosecution case is that O.S.No.795 of 2023 was filed by the accused persons on production of a promissory note alleged to have been one executed by the defacto complainant as well as his father as the suit document. When the defacto complainant and his father, who were defendants in the suit, filed written statement contending that the above promissory note was a forged document, the plaintiffs, the kuri company and its authorised officer (accused) immediately withdrawn the suit. It is on this background this crime was registered.

4. During investigation of the crime, the Deputy Superintendent of Police, Irinjalakuda, filed a report on 22.10.2024 and as per which, he had requested the Special Court to delete offences punishable under Sections 3(1)(p) and 3(1)(q) of the SC & ST (PoA) Act and the reasons for filing such a report was that O.S.No.795 of 2023 had been filed by the kuri company without knowing the caste identity of the defacto complainant, as the investigation so revealed. It is at this juncture, the present application, which led to passing of Annexure A9 order, had been filed by the complainant seeking investigation to be monitored by the Special Court.



5. In paragraph Nos.10 and 11 of Annexure A9 order, the learned Special Judge observed as under;

"10. Here the prosecution has filed a report that the accused persons had no knowledge regarding the caste of the petitioners. Apart from that the transaction would indicate that the accused had no criminal intention to grab anything, misutilising the status of the defacto compliant and his relatives. It may be true that the accused have instituted suit before the Munsif Court. Subsequently, it appears from the petition that the said suit was withdrawn by the petitioner. It does not indicate that a prima facie case that the accused had instituted a false, malicious or vexatious suit against the petitioners in the status of the Scheduled Caste/ Scheduled Tribe. Likewise, there is no prima facie materials to show that the accused have given any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of Scheduled Caste or a Scheduled Tribe.

11. Hence considering the report submitted by the Investigating Officer, there is no impediment to transfer the case records to Judicial First Class Magistrate, Irinjalakuda. The petition filed by the petitioner became infructuous."

6. According to the learned counsel for the appellant, even though no specific order has been passed by the Special Judge accepting Annexure A6 report, going by the finding of the Special Court in paragraph No.11 of the impugned order, holding the view that there had been no impediment to transfer the case



records to the Judicial First Class Magistrate Court, Irinjalakuda, Annexure A6 deemed to have been accepted by the Special Judge on affirming the view that offences under Sections 3(1)(p) and 3(1)(q) of the SC & ST (PoA) Act were to be deleted as requested in Annexure A6.

7. The learned counsel for the appellant would zealously argue that when the allegation of institution of a false, malicious or vexatious suit by a non-member of the Scheduled Caste or Scheduled Tribe community against a member of a Scheduled Caste community, the same would attract offences under Sections 3(1)(p) and 3(1)(q) of the SC & ST (PoA) Act. It is submitted further that in order to prove the fact that the suit O.S.No.795 of 2023 had been filed as a false, malicious or vexatious suit, the suit document produced along with the suit *viz.* promissory note forged and fabricated by the accused herein and the plaintiff/plaintiffs therein to be seized and expert's opinion regarding the signature/signatures therein is/are to be obtained and in view of the same, Annexure A6 report could not be accepted. Therefore, there may be an interference in the order impugned so as to grant appropriate relief to the appellant.



8. Resisting this contention, the learned counsel appearing for the 2nd respondent Highway Kuries Pvt. Ltd. represented by Subhash, the Managing Director, argued that as per Annexure A6, the finding of the investigating officer on the midway of the investigation that none of the offences under the SC & ST (PoA) Act, including Sections 3(1)(p) and 3(1)(q) of the SC & ST (PoA) Act could not be found and therefore the said offences are liable to be deleted. In view of the above, the order impugned is liable to be confirmed since the investigation has been progressing for the other offences. In such a situation, the deemed acceptance of Annexure A6 by the Special Court is liable to be confirmed. As a necessary consequence, the prayer to monitor the investigation by the Court also would not succeed.

9. The learned Public Prosecutor produced the report of the investigating officer and according to the learned Public Prosecutor, the reasons for filing Annexure A6 report to be found as justifiable as discernible from the report itself, and it is pointed out that a kuri company could not be adjudged as a person having knowledge regarding the caste identity of the complainant while filing the suit and in such view of the matter, the offences under



Sections 3(1)(p) and 3(1)(q) of the SC & ST (PoA) Act would not attract in the facts of the case and therefore, the order is liable to be sustained.

10. The crucial question involved in this case is; whether *prima facie* O.S.No.795 of 2023 filed by the 2nd respondent herein before the Munsiff Court, Irinjalakuda, is a false, malicious or vexatious suit so as to attract the offence under Section 3(1)(p), so also the offence under Section 3(1)(q) of the SC & ST (PoA) Act. As per Annexure A6 report, the investigating officer formed an opinion that the said offences could not attract since the caste identity of defacto complainant and his father was not known to the kuri company and the kuri company instituted as many as 80 suits of this nature and out of which, 57 persons paid the amount and closed the liability, while 23 cases had been pending.

11. Now the question to be considered is whether the deemed acceptance of Annexure A6 by the learned Special Judge is justifiable in the facts and circumstances involved in this case. In this connection, it is relevant to refer Sections 3(1)(p) and 3(1)(q) of the SC & ST (PoA) Act; the same reads as under;

"3. Punishments for offences atrocities.—(1) Whoever, not being a member of a Scheduled Caste or a Scheduled



Tribe,—

xxxx xxxxx xxxx xxxx

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

xxxx xxxx xxxx xxxx"

12. Going through the statutory wordings institution of a false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe, by a person who does not belong to either Scheduled Caste or Scheduled Tribe community is the ingredient to constitute an offence under Section 3(1)(p) of the SC & ST (PoA) Act. Similarly, giving a false or frivolous information to any public servant and thereby causing a public servant to use his lawful power to the injury or annoyance to a member of the Scheduled Caste or Scheduled Tribe by a person who does not belong to either Scheduled Caste or Scheduled Tribe community are the essentials to constitute the offence under Section 3(1)(q) of the SC & ST (PoA) Act.

13. According to the learned Public Prosecutor, the caste



identity of the defacto complainant and his father might not be known by the kuri company who engaged in kuri business and therefore, offences under Sections 3(1)(p) and 3(1)(q) of the SC & ST (PoA) Act would not attract.

14. On reading the statutory provisions and the ingredients for the offence under Section 3(1)(q) of the SC & ST (PoA) Act, this Court is of the view that the said offence could not be attracted in the present crime. However, when it is *prima facie* established that the suit filed by the 2nd respondent is one in the category of false, malicious or vexatious one, particularly using a forged suit document, when the defendants therein are members of the Scheduled Caste and the plaintiffs therein are not members of Scheduled Caste, the offence under Section 3(1)(q) of the SC & ST (PoA) Act would attract *prima facie*.

15. In this connection, it is relevant to attract Section 8 of the SC & ST (PoA) Act; the same reads as under;

"8. Presumption as to offences.—In a prosecution for an offence under this Chapter, if it is proved that—

(a) the accused rendered any financial assistance in relation to the offences committed by a person accused of, or reasonably suspected of, committing, an offence under this Chapter, the Special Court shall presume, unless the contrary



is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object;

(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.”

16. On reading of Section 8(c) of the SC & ST (PoA) Act introduced with effect from 26.01.2016, it has been provided that the accused was having personal knowledge on the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved. This presumption is a statutory presumption under Section 8 of the SC & ST (PoA) Act. No doubt this presumption is rebuttable with support of evidence during trial and till rebuttal, this presumption would operate.

17. When a kuri company engaged in chitty business, after making acquaintance with subscribers, dealt with subscribers for its kuri transactions and thereafter institutes suits for realisation of the amount due under the kuri transactions, based



on an alleged forged promissory note, the kuri company could not be held as a person who did not know the caste identity of the defendants in the suit, especially when knowledge regarding the caste identity of the accused is a matter of presumption, unless the contrary is proved by evidence.

18. Therefore, the deemed acceptance of Annexure A6 report filed by the investigating officer by the Special Court would not sustain in the eye of law. In that view of the matter, the finding in Paragraph No.11 of the order impugned in this regard is liable to be set aside.

19. The apprehension expressed by the appellant as regards the failure of the investigating officer in the matter of seizure of the promissory note for the purpose of getting its signatures compared with that of the defacto complainant and his father, for the purpose is eliciting as to whether the promissory note is forged or falsified as afore, is having force and in such view of the matter an investigation in the above line is absolutely necessary in this case to accomplish successful prosecution.

In the result, the Criminal Appeal stands allowed in part. The impugned order is set aside in part, while confirming the view



taken by the learned Special Judge that the Court need not monitor the investigation. Consequently, it is ordered that the investigating officer shall investigate the offence under Section 3(1)(q) of the SC & ST (PoA) Act, after getting the promissory note from the custody of the Court, by filing necessary application as per law for comparison of the signatures of the defacto complainant and his father to find it's nature as forged or genuine and on getting opinion of an Expert from a Forensic Science Laboratory, then the investigating officer shall file the final report before the Special Court along with the Expert report in accordance with the law.

The Criminal Appeal stands allowed in part, as indicated above.

Sd/-
A. BADHARUDEEN
JUDGE

APPENDIX OF CRL.A NO. 2214 OF 2025

PETITIONER'S ANNEXURES

Annexure A1	THE TRUE COPY OF THE PLAINT IN OS 795/2023 BEFORE IRINJALAKKUDA MUNSIF COURT DATED 27.11.2023
Annexure A2	THE TRUE COPY OF THE CONDITIONAL ATTACHMENT PETITION IN IA 2/2023 IN OS 795/2023 ON THE FILES OF IRINJALAKKUDA MUNSIF COURT DATED 27.11.2023
Annexure A3	THE TRUE COPY OF THE ORDER IN IA 2/2023 IN OS 795/2023 DATED 30/12/2023
Annexure A4	THE TRUE COPY OF THE CMP 550 OF 2024 DATED 26.06.2024
Annexure A5	THE TRUE COPY OF THE FIR IN CRIME 974/2024 DATED 22.07.2024
Annexure A6	THE TRUE COPY OF THE REPORT FILED BY IRINJALAKKUDA POLICE DATED 22.10.2024
Annexure A7	THE TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 01.12.2024
Annexure A8	THE TRUE COPY OF THE CMP 1160 OF 2024 FILED BY THE PETITIONER DATED 01.11.2024
Annexure A9	THE CERTIFIED COPY OF THE ORDER IN CMP 1160 OF 2024 DATED 26.08.2025
Annexure A10	THE TRUE COPY OF THE PETITION IN IA 5/2024 DATED 01.11.2024