

Court No. - 76

Case :- APPLICATION U/S 482 No. - 31545 of 2024

Applicant :- Praveen Chetri

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Prashant Sharma, Surendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar, J.

1. The present petition has been filed to quash the criminal proceedings arising out of Case Crime No.108 of 2023, under Sections 420, 467, 468, and 471 of the IPC, read with Sections 60/63 of the Excise Act, registered at P.S. Jaswant Nagar, District Etawah.

2. At the time of the argument, the learned counsel for the applicant invited the Court's attention to the contents of the FIR to establish that the applicant has been falsely implicated in the present case. The applicant was a co-passenger in a black-colored Scorpio from which the police recovered 70 bottles of Royal Challenge Classic Premium Whisky marked "for sale in Haryana only" and 36 bottles of Royal Stage Premium Whisky marked "for sale in Haryana only." Upon his interrogation, another car of Ascent make was also intercepted, from which 213 bottles of Royal Challenge Classic Premium Whisky and 24 bottles of Royal Stage Premium Whisky were recovered. In total, 300 bottles of Royal Challenge and 60 bottles of Royal Stage were seized from both vehicles. In brief, the prosecution's case is that the applicant is a gang leader who brings liquor from Haryana and sells it in Bihar at higher prices for profit while frequently changing the number plates of their vehicles during transit.

3. On perusal of the FIR, it has been observed that the police apprehended and subsequently arrested Yadram S/o Ratan Lal, Praveen Chetri S/o Virendra Kumar, Deepak Kumar Singh S/o Santosh Kumar Singh, Lokesh @ Leela S/o Dileep Kumar, and Nisha

W/o Rajesh on the spot. It has also been noted that the caste of all the accused has been mentioned in the FIR.

4. For illustration, in the present case, the relevant portion of the FIR and the statements of the accused persons recorded by the police under Section 161 Cr.P.C. are extracted herein:

“(a).....चालक की सीट पर बैठे व्यक्ति ने अपना नाम यादराम पुत्र रतनलाल निवासी यू-4 न्यू रोशनपुरा नजफगढ़ थाना नजफगढ़ जिला साउथ वेस्ट दिल्ली जाति माली उम्र करीब 35 वर्ष बताया.....

(b).....चालक के बगल की सीट में बैठे व्यक्ति ने अपना नाम प्रवीन छेत्री पुत्र बीरेन्द्र कुमार निवासी मकान नं० आर जेड 176 ए न्यू धर्मपुरा-1, ककरोला रोड नजफगढ़ थाना नजफगढ़ जिला साउथ वेस्ट दिल्ली उम्र करीब 29 वर्ष जाति पहाडी राजपूत बताया.....

(c).....पीछे सीट पर बैठे व्यक्ति ने अपना नाम दीपक कुमार सिंह पुत्र सन्तोष कुमार सिंह निवासी कुल्हरिया थाना काराकाट (गोडारी जिला रोहतास राज्य बिहार उम्र करीब 29 वर्ष जाति ठाकुर बताया.....

(d).....चालक सीट पर बैठे व्यक्ति से नाम पता पूंछा गया तो उसने अपना नाम लोकेश उर्फ लीला पुत्र दिलीप कुमार निवासी 75 धर्मपुरा थाना नजफगढ़ जिला साउथ वेस्ट दिल्ली उम्र करीब 29 वर्ष जाति पंजाबी पाराशर बताया.....

(e).....नाम पता पूंछा तो उसने अपना नाम निशा पुत्री राजेश पत्नी संजीत मूल निवासी RZ 30 लक्ष्मी विहार दिचाऊँ कला जिला साउथ वेस्ट दिल्ली हाल पता- मकान नं० 105 दीनपुर नजफगढ़ थाना नजफगढ़ जिला साउथ वेस्ट, दिल्ली जाति बाहमण बताया.....”

4. The Director General of Police is directed to file a personal affidavit, before the next date of hearing, justifying the requirement and relevance of mentioning the caste of a suspect or a group of persons in an FIR or during a police investigation in a caste-ridden society, where social divisions continue to influence law enforcement practices and public perception. This requirement comes amid growing concerns over institutional bias, the potential for reinforcing stereotypes, and the risk of prejudicial treatment against marginalized communities. At the same time, the Constitution guarantees the abolition of caste-based discrimination in India, emphasizing equality, dignity, and impartial justice for all citizens. Furthermore, the Supreme Court has also deprecated the practice of mentioning caste and religion in the pleadings, recognizing that such reference serve no legal purpose and may perpetuate discrimination. Hence, the affidavit shall address whether such reference to caste serve any legal necessity

or inadvertently perpetuate systemic discrimination, contradicting constitutional values and judicial precedents promoting social justice.

5. Put up as fresh on 12.03.2025.

6. The Registrar (Compliance) is directed to communicate a copy of this order immediately to the Director General of Police, Uttar Pradesh for necessary compliance, without fail.

Order Date :- 3.3.2025

Anil K. Sharma

Justice Vinod Diwakar