



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1580 OF 2026
(ARISING OUT OF S.L.P. (CRIMINAL) NO. 9231/2025)**

CHINTHADA ANAND

.... APPELLANT(S)

VERSUS

**STATE OF ANDHRA PRADESH
AND OTHERS**

.... RESPONDENT(S)

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

- 1) Leave granted.
- 2) The present Appeal arises out of the impugned judgment dated 30.04.2025 passed by the High Court of Andhra Pradesh¹ at Amaravati in Criminal Petition No. 7114 of 2022 filed under Section 482 of the Code of Criminal Procedure, 1973², whereby, the High Court has quashed the criminal proceedings against respondent nos. 2 to 7 in Spl. SC No. 36 of 2021 arising out of FIR No. 08 of 2021 registered for offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989³ and Sections 341, 506 and 323 read with Section 34 of the Indian Penal Code, 1860⁴ on the file of the Special Court under the SC/ST Act, Guntur District.

¹ 'High Court'

² 'Cr.PC'

³ 'SC/ST Act'

⁴ 'IPC'

FACTUAL MATRIX

3) The appellant in the present proceedings is Chinthada Anand, resident of Kothapalem Village, Pittalavanipalem Mandal, Guntur District. He claims to belong to the Madiga community, a Scheduled Caste and states that for nearly ten years prior to the incident, he had been conducting Sunday prayer meetings as a Pastor at different houses in the village, including the house of one Doma Koti Reddy.

4) According to the appellant, in December 2020, he began receiving abusive and intimidating telephone calls from unknown numbers, in which he was allegedly abused by caste-based slurs and was threatened with dire consequences. These calls, according to him, were on account of his religious activities and his presence in the village as a Pastor.

5) The first incident is stated to have occurred on 03.01.2021. The appellant alleges that while he was conducting Sunday prayers at around noon at the house of Doma Koti Reddy, one of the accused called him outside, assaulted him by slapping and striking him, abused him by referring to his caste, and warned him against continuing the prayer meetings. The appellant states that he did not retaliate.

6) The second and principal incident is stated to have occurred on 24.01.2021. It is alleged that after completing Sunday prayers and while returning home, the appellant was wrongfully restrained at the entrance of the nearby hamlet by respondent nos. 2 to 7 and twenty-five others. He alleged that his mobile phone and vehicle keys were forcibly snatched, he was dragged, beaten and abused by caste name in public view, and threatened

with death. It is also alleged that threats were extended to kill his family members and kidnap his children.

7) On the next day, i.e., 25.01.2021, the appellant submitted a written complaint before Chandole Police Station. On the basis of the said complaint, FIR No. 08 of 2021 came to be registered on 26.01.2021 for the offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act and Sections 341, 506, 323 read with Section 34 of the IPC.

8) Investigation was undertaken by the Sub-Divisional Police Officer, Bapatla. During the course of investigation, statements of the appellant, his wife and several villagers were recorded. The appellant was medically examined and the injury sustained by him was certified to be simple in nature. The Tahsildar conducted verification regarding the caste status of the appellant and issued a certificate showing him as belonging to Hindu-Madiga community (Scheduled Caste), while the accused persons admittedly belonged to the Reddy community (OC category).

9) Upon completion of investigation, the Police filed the charge-sheet on 30.04.2021, which was taken on file as Spl. SC No. 36 of 2021 before the Special Court under the SC/ST Act for Guntur District. All the aforementioned offences were included in the charge-sheet.

10) The accused persons thereafter approached the High Court by filing a petition under Section 482 of the Cr.PC seeking quashing of the proceedings. The primary ground urged before the High Court was that the appellant had admittedly converted to Christianity and was working as a Pastor for about ten years, and therefore, in view of the Constitution (Scheduled Castes) Order,

1950, he could not legally claim the status of a Scheduled Caste so as to invoke the provisions of the SC/ST Act.

11) *Vide* impugned judgment dated 30.04.2025, the High Court had quashed the entire criminal proceedings in Spl. SC No. 36 of 2021 *qua* respondent nos. 2 to 7, holding *inter alia* that the appellant cannot claim protection under the SC/ST Act since he had been openly professing Christianity and working as a Pastor for about a decade. The High Court was of the view that caste system is not recognised in Christianity and that a person who has converted and continues to actively work as a Pastor and profess Christianity, cannot, in law, claim protection under the SC/ST Act.

12) Further, the High Court noted that the statements of witnesses did not consistently support the appellant's version of a large group assault, and only a limited corroboration was available for the alleged restraint and attack, the medical evidence showed only a simple injury sustained by the appellant. On an overall assessment, the High Court held that continuation of the criminal proceedings against respondent nos. 2 to 7 would amount to an abuse of the process of law.

13) Aggrieved, the appellant has preferred the present Appeal challenging the quashing of proceedings against respondent Nos. 2 to 7 in Spl. SC No. 36 of 2021 arising out of FIR No. 08 of 2021.

SUBMISSION OF PARTIES

14) We have heard the learned counsels for both the parties and perused the materials on record.

15) Learned counsel for the appellant submitted that the High Court wrongly quashed the criminal proceedings against respondent nos. 2 to 7 despite there being a *prima facie* case made out against them. Learned counsel highlighted that the High Court failed to appreciate that the appellant was subjected to physical assault as well as caste-based insults, was also intimidated by the accused persons.

16) Furthermore, learned counsel for the appellant submitted that the High Court gravely erred in holding that the appellant was disentitled from invoking the provisions of the SC/ST Act, merely on account of his conversion to Christianity. It was argued that caste is a matter of birth and not of faith, and a change of religion does not wipe out the social identity and historical disadvantages attached to one's caste.

17) To bolster his submission, learned counsel for the appellant placed reliance on G.O. Ms. No. 341 dated 30.08.1977, issued by the Government of Andhra Pradesh, which specifically stipulates that mere change of religion shall not operate as a bar to Scheduled Caste persons from securing the benefits to which they were otherwise entitled prior to conversion.

18) *Per contra*, learned senior counsel for respondent nos. 2 to 7 supported the impugned judgment and submitted that the High Court has rightly exercised its jurisdiction under Section 482 of the Cr.PC to quash the proceedings, as the very foundation for invoking the provisions of the SC/ST Act was absent.

19) Learned senior counsel submitted that the appellant is admittedly a Pastor, performing Sunday prayers for more than a decade, and by his own

showing professes and practises Christianity. In such a situation, he cannot claim the protection of the SC/ST Act, which is applicable only to persons who are members of the Scheduled Castes or Scheduled Tribes within the ambit of clauses (24) and (25) of Article 366 read with Articles 341 and 342 of the Constitution of India, 1950.

20) Learned senior counsel pointed out that Clause 3 of the Constitution (Scheduled Castes) Order, 1950 unequivocally provides that no person who professes a religion different from Hinduism, Sikhism or Buddhism shall be deemed to be a member of a Scheduled Caste. It was further argued that the expression “professes” has consistently been interpreted by this Court to mean open declaration or practice of a religion, and that the relevant test is the material time when the benefit is claimed.

21) Learned senior counsel for respondent nos. 2 to 7 further argued that the *sine qua non* for offences under the SC/ST Act is that the victim must be a *bona fide* SC/ST member. It was highlighted that where the appellant does not belong to an SC/ST community, the very jurisdictional requirement for applying the SC/ST Act fails. Hence, according to the learned senior counsel, the High Court rightly quashed the proceedings.

22) It has been contended by learned senior counsel for respondent nos. 2 to 7 that the appellant’s reliance on a purported caste certificate is of no assistance. It is pointed out that there is no evidence whatsoever to suggest that the appellant reconverted to Hinduism or that the community accepted him back. Therefore, mere production of a certificate cannot override the admitted fact that the appellant is a practising Christian.

23) Learned senior counsel for respondent nos. 2 to 7 submitted that reliance of the appellant on G.O.Ms. No. 341 issued by the State is wholly misplaced since an executive order cannot override the Presidential Order issued under Article 341 of the Constitution of India, and the State has no authority to enlarge, modify, or alter the Scheduled Caste list.

24) Lastly, the learned senior counsel for respondent nos. 2 to 7 submitted that the present case concerns criminal prosecution, and no person can be subjected to penal consequences under the SC/ST Act unless the appellant indisputably falls within the definition of “Scheduled Caste or Scheduled Tribe” under the Constitution of India. The High Court, therefore, according to learned senior counsel, has correctly held that, in the absence of such foundational facts, continuance of the proceedings would be an abuse of process.

ANALYSIS

25) Before considering the correctness of the High Court’s decision to quash the criminal proceedings against respondent nos. 2 to 7, it becomes necessary to first delineate the broader legal issue that arises, namely, the conditions under which a person, who has undergone religious conversion, may avail the statutory benefits granted to the members of the Scheduled Castes and Scheduled Tribes. The clarification of this overarching principle is essential, as the resolution of the present controversy must rest upon its proper application.

26) To address the aforesaid issue, it is appropriate to state the authorities which talk about the Scheduled Castes and Scheduled Tribes. Under the

Constitution of India, 1950, Articles 341 and 342 enumerate about the Scheduled Castes and Scheduled Tribes. The relevant Articles are reproduced hereinbelow:

“341. Scheduled Castes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State⁸or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. Scheduled Tribes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

27) The core object of the above provisions is to provide right for the purpose of affording protection to Scheduled Castes and Scheduled Tribes having regard to the backwardness they suffer. The question which is now required to be posed at the outset is what is a ‘tribe’?

28) In *State of Kerala vs. Chandramohan*⁵, a three-Judge Bench of this Court had the opportunity to discuss the concept of 'tribe' and its characteristics. The relevant observations are reproduced hereinbelow:

"4. The object of the said provision is to provide right for the purpose of grant of protection to the Scheduled Tribes having regard to the economic and educational backwardness wherefrom they suffer. For the aforementioned purpose only the President of India has been authorised to issue the notification to parts or groups within the tribes. It is not in dispute that the Constitution (Scheduled Tribes) Order, 1950 made in terms of the aforementioned provisions is exhaustive. The question which is required to be posed at the outset is what is a tribe?

"Tribe has been defined as a social group of a simple kind, the members of which speak common dialect, have a single government and act together for such common purposes as warfare. Other typical characteristics include a common name, a contiguous territory, a relatively uniform culture or way of life and a tradition of common descent. Tribes are usually composed of a number of local communities e.g. bands, villages or neighbourhoods and are often aggregated in clusters of a higher order called nations. The term is seldom applied to societies that have achieved a strictly territorial organisation in large States but is usually confined to groups whose unity is based primarily upon a sense of extended kinship ties though it is no longer used for kin groups in the strict sense, such as clans."

(See Dr Gupta, Jai Prakash: The Customary Laws of the Munda & the Oraon.)

"Tribe in the Dictionary of Anthropology is defined as 'a social group, usually with a definite area, dialect, cultural homogeneity, and unifying social organization. It may include several subgroups, such as sibs or villages. A tribe ordinarily has a leader and may have a common ancestor, as well as patron deity. The families or small communities making up the tribe are linked through economic, social, religious, family, or blood ties'."

(See Bhowmik, K.L.: Tribal India: A Profile in Indian Ethnology.)"

(emphasis supplied)

⁵ (2004) 3 SCC 429

29) Under clause (1) of Article 342, the President of India promulgated the Constitution (Scheduled Tribes) Order, 1950, identifying the tribes and tribal communities recognised as “Scheduled Tribes” for different States and Union Territories. The said order is reproduced hereinbelow:

“Constitution (Scheduled Tribe) Order, 1950

1. This Order may be called the Constitution (Scheduled Tribes) Order, 1950.

2. The Tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in Parts I to XXII of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof residents in the localities specified in relation to them respectively in those Parts of that Schedule.

3. Any reference in this Order to State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.”

30) A person can claim benefits under the Constitution (Scheduled Tribes) Order, 1950 only if he/she continues to belong to that particular tribe in substance. If, due to conversion or long-term abandonment of tribal customs, his/her tribal identity is in doubt, that question becomes a factual matter to be determined at trial. In this regard, this Court in **Chandramohan** (*supra*) had observed:

“16. Before a person can be brought within the purview of the Constitution (Scheduled Tribes) Order, 1950, he must belong to a tribe. A person for the purpose of obtaining the benefits of the Presidential Order must fulfil the condition of being a member of a tribe and continue to be a member of the tribe. If by reason of conversion to a different religion a long time back, he/his ancestors have not been following the customs, rituals and other traits, which are required to be followed by the members of the tribe and even had not been following the customary laws of succession, inheritance, marriage etc. he may not be accepted to be a member of a tribe. In this case, it has been contended that the family

of the victim had been converted about 200 years back and in fact the father of the victim married a woman belonging to a Roman Catholic, wherefrom he again became a Roman Catholic. The question, therefore, which may have to be gone into is as to whether the family continued to be a member of a Scheduled Tribe or not. Such a question can be gone into only during trial.”

(emphasis supplied)

31) From the above, it becomes clear, that once a person belonging to a Scheduled Tribe converts to another religion, ultimately through the passage of time, the customs, rituals and other traits of that particular tribe may fall into eclipse. If so, in such circumstance, it is proved that the person in question has completely renounced himself from the customs, rituals and other traits of his tribe, and has assimilated into the converted religion following the practices and customs of that particular religion, a reasonable inference can be drawn that such a person shall not be considered a part of the tribe.

32) Let us now pivot to the legal foundations of Scheduled Castes. The initial question which is required to be posed is what is a ‘caste’?

33) In *C.M. Arumugam vs. S Rajagopal*⁶, a three-Judge Bench of this Court had the opportunity to discuss on the question: what is ‘caste’? The relevant observation is reproduced hereinbelow:

“10. But that immediately raises the question: what is a caste? **When we speak of a caste, we do not mean to refer in this context to the four primary castes, but to the multiplicity of castes and sub-castes which disfigure the Indian social scene. “A caste”, as pointed out by the High Court of Madras in Coopoosami Chetty v. Duraisami Chetty [ILR 33 Mad 67] “is a voluntary association of persons for certain purposes”. It is a well defined yet fluctuating group of persons governed by their own rules and regulations for certain internal purposes.** Sir H. Risley has shown in his book on People

⁶ (1976) 1 SCC 863

of India how castes are formed based not only on community of religion, but also on community of functions. It is also pointed out by Sankaran Nair, J. in *Muthusami v. Masilamani* [ILR 33 Mad 342 : 20 Mad LJ 49] :

“... a change in the occupation sometimes creates a new caste. A common occupation sometimes combines members of different castes into a distinct body which becomes a new caste. Migration to another place makes sometimes a new caste.”

A caste is more a social combination than a religious group. But since, as pointed out by Rajamannar, C.J., in *G. Michael v. S. Venkateswaran* [AIR 1952 Mad 474] ethics provides the standard for social life and it is founded ultimately on religious beliefs and doctrines, religion is inevitably mixed up with social conduct and that is why caste has become an integral feature of Hindu society. But from that it does not necessarily follow as an invariable rule that whenever a person renounces Hinduism and embraces another religious faith, he automatically ceases to be a member of the caste in which he was born and to which he belonged prior to his conversion. It is no doubt true, and there we agree with the Madras High Court in *G. Michael* case that the general rule is that conversion operates as an expulsion from the caste, or, in other words, the convert ceases to have any caste, because caste is predominantly a feature of Hindu society and ordinarily a person who ceases to be a Hindu would not be regarded by the other members of the caste as belonging to their fold. But ultimately it must depend on the structure of the caste and its rules and regulations whether a person would cease to belong to the caste on his abjuring Hinduism.”

(emphasis supplied)

34) In exercise of powers conferred under clause (1) of Article 341 of the Constitution, the President issued the Constitution (Scheduled Castes) order, 1950. This Order specifies the castes deemed to be Scheduled Castes in relation to various States and Union territories. The said Order is reproduced hereinbelow:

“Constitution (Scheduled Caste) Order, 1950

1. This Order may be called the Constitution (Scheduled Castes) Order, 1950.

2. Subject to the provisions of this Order, the castes, races or tribes or parts of, or groups within, castes or tribes specified in Parts to [XXV] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those Parts of that Schedule.

[3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu, the Sikh or the Buddhist] religion shall be deemed to be a member of a Scheduled Caste.

[4. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.]”

(emphasis supplied)

35) The question as to whether a person is a member of Scheduled Caste or Scheduled Tribe remains an absolute question of fact. In the instant case, the legislative history of Clause 3 of the Constitution (Scheduled Castes) Order, 1950 is of immense significance. As originally enacted in the year 1950, Clause 3 restricted Scheduled Caste status to persons professing the Hindu religion. It was subsequently amended in the year 1956 to include persons professing the Sikh religion. Later, in the year 1990, the provision was further extended to include persons professing the Buddhist religion. It is important to note that Christianity has not been included under this Order by any of these amendments.

36) A careful perusal of Clause 3 of Constitution (Scheduled Castes) Order, 1950 reveals that the term “professes” is of crucial significance. The clause excludes any person who professes a religion different from Hindu, Sikh or Buddhist from being deemed a member of a Scheduled Caste. It is, therefore, necessary to examine what constitutes to professing a religion.

37) The interpretation of the term “profess” as used in Clause 3 of the Constitution (Scheduled Castes) Order, 1950 came up for consideration before this Court in *Punjabrao vs. D.P. Meshram*⁷, wherein it was observed thus:

“13. What clause (3) of the Constitution (Scheduled Castes) Order, 1950 contemplates is that for a person to be treated as one belonging to a Scheduled Caste within the meaning of that Order, he must be one who professes either Hindu or Sikh religion. The High Court, following its earlier decision in Karwadi v. Shambharkar [AIR 1958 Bom 296] has said that the meaning of the phrase “professes a religion” in the aforementioned provision is “to enter publicly into a religions state” and that for this purpose a mere declaration by a person that he has ceased to belong to a particular religion and embraced another religion would not be sufficient. The meanings of the word “profess” have been given thus in Webster's New World Dictionary: “to avow publicly; to make an open declaration of ... to declare one's belief in : as, to profess Christ. To accept into a religious order”. The meanings given in the Shorter Oxford Dictionary are more or less the same. It seems to us that the meaning “to declare one's belief in : as to profess Christ” is one which we have to bear in mind while construing the aforesaid order because it is this which bears upon religious belief and consequently also upon a change in religious belief. It would thus follow that a declaration of one's belief must necessarily mean a declaration in such a way that it would be known to those whom it may interest. Therefore, if a public declaration is made by a person that he has ceased to belong to his old religion and has accepted another religion he will be taken as professing the other religion. In the face of such an open declaration it would be idle to enquire further as to whether the conversion to another religion was efficacious. The word “profess” in the Presidential Order appears to have been used in the sense of an open declaration or practice by a person of the Hindu (or the Sikh) religion. Where, therefore, a person says, on the contrary, that he has ceased to be a Hindu he cannot derive any benefit from that Order.”

(emphasis supplied)

⁷ 1964 SCC OnLine SC 76

38) It is clear from the aforesaid interpretation that the term “profess” connotes to publicly declare or practice a religion. The essence of the word lies in the open avowal of one’s religious beliefs in a manner discernible to the public at large. It is not merely a question of personal belief or private conviction, but requires an outward manifestation of one’s faith.

39) It may be observed that Christianity, by its very theological foundation, does not recognize or incorporate the institution of caste. The foundational Christian scripture, The New Testament states: *There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus.*⁸ Christianity in India exists in several denominational forms: Roman Catholics (who adhere to liturgical traditions of the Latin Church), various Protestant denominations (including the Church of South India, Baptist, Lutheran, and Pentecostal churches), and the ancient Syrian Christian communities.

40) The aforesaid denominational distinctions arise from differences in theological interpretation, liturgical practice (the form of worship) and ecclesiastical governance (the organizational framework within the church). They do not represent any caste-based hierarchal stratifications.

41) In the present case, the facts are unequivocal. The appellant has been serving as a Pastor for the past ten years. The appellant is also the treasurer of the Pastors fellowship in Pittalavanipalem. The evidence further reveals that the appellant conducted prayer meetings on Sundays at the residence of one Doma Koti Reddy in Kohapalem Village, and regularly performed pastoral

⁸ Galatians 3:28 (NIV) Galatians 3:28 NIV - There is neither Jew nor Gentile, - Bible Gateway

duties including preaching and conducting religious services for the Christian congregation.

42) A pastor occupies a position of religious leadership within the Christian faith, entrusted with the responsibility of preaching the gospel and conducting religious services in accordance with the Christian doctrine. The appellant's occupation and conduct over this extended period constitute an open and public declaration of his Christian faith. Viewing through the lens of ***Punjabrao*** (*supra*), the appellant indubitably professes Christianity within the meaning of Clause 3 of the Constitution (Scheduled Caste) Order, 1950.

43) It is an admitted fact that the appellant previously belonged to the Madiga community, which is specified *at Serial No. 32 in Part I (Andhra Pradesh)* of the Schedule to the Constitution (Scheduled Caste) Order, 1950, and is recognized as a Scheduled Caste. Had the appellant continued to profess Hinduism, his status as a member of the Scheduled Caste would have been beyond question. However, the appellant now professes Christianity.

44) Clause 3 of the Constitution (Scheduled Castes) Order, 1950 is categorical and unambiguous in its terms. It provides that notwithstanding anything contained in Clause 2, no person who professes a religion different from Hindu, Sikh, or Buddhist shall be deemed to be a member of a Scheduled Caste. The appellant professes Christianity, which is not among the three religions specified in Clause 3. Irrespective of the appellant's caste of origin, he cannot be deemed to be a member of a Scheduled Caste. However, the learned counsel for the appellant has sought to challenge this position by placing reliance on certain State Government Orders.

45) The learned counsel for the appellant has placed reliance upon G.O. Ms No.341, Social Welfare Department, Government of Andhra Pradesh, dated 30.08.1977, which extends certain concessions granted to Scheduled Castes (Hindus) by the State Government to Scheduled Caste converts to Christianity and Buddhism. It is contended that in view of this Government Order, the appellant ought to be recognized as a member of the Scheduled Caste for the purposes of invoking the provisions of the SC/ST Act. For proper appreciation of this contention, it is necessary to reproduce the relevant portions of G.O.Ms. No.341 dated 30.08.1977:

“Government of Andhra Pradesh Abstract

Social Welfare (PR) Department

Dated: 30.08.1977

Social Welfare-Scheduled Caste Converts to Christianity and Buddhism-Non-Statutory Concession available for Scheduled Castes-Extension to Converts for Scheduled Castes to Christianity and to Buddhism-Orders Issued.

G.O.Ms.No.341

Order:

Representations have been received by Government from time to time requesting for the extension of the concessions granted to Scheduled Castes (Hindus) to Scheduled Castes Converted to Christianity and Buddhism on the ground that the scheduled castes converts also suffer from all the social disabilities as Scheduled Castes, irrespective of their conversion. At the state Harijan Conference held in April 1976 also, it was recommended that mere change of religion should not become a bar to Scheduled Castes persons from securing the benefits that they would have been eligible as Scheduled Castes, before conversion and, therefore, the Scheduled Castes converts should be given all the benefits they would have enjoyed before conversion to any other religion.

2. Government have carefully examined the matter in the light of the recommendations made by the State Harijan Conference and other relevant considerations. **Government have decided to extended all the non-**

statutory concessions now available to Scheduled Castes (Hindus) to Scheduled Caste converts to Christianity and to Buddhism. Accordingly in suprecession of the orders issued in this behalf, Government direct that all non -statutory concessions granted to Scheduled Castes (Hindus) by the State Government including economic support schemes sanctioned by Andhra Pradesh Scheduled Castes Cooperative Finance Corporation be extended to Scheduled Castes converts to Christianity and to Buddhism.

3. However, the statutory concessions i.e., reservations in educational institutions and reservation in public services for scheduled castes are applicable only to scheduled castes with reference to the constitution (Scheduled Castes) order 1950. The Scheduled Castes converts to Christianity and Buddhism will not therefore be eligible for these facilities. The existing orders in this respect will continue.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.R.Sankaran. Secretary to Government.”

(emphasis supplied)

46) A careful perusal of the aforesaid State Government Order reveals that it is of no avail to the appellant. The Government Order itself draws a clear and categorical distinction between statutory and non-statutory benefits. Clause 2 of the Government Order states that only “non-statutory concessions” are being extended to Scheduled Caste converts to Christianity and Buddhism. These non-statutory concessions include economic support and similar welfare schemes which do not flow from statutory mandate.

47) More significantly, Clause 3 of the State Government Order is unambiguous and unequivocal. It states that statutory concessions, including reservations in educational institutions and public services, are applicable only to Scheduled Castes with reference to the Constitution (Scheduled Castes) Order, 1950. The clause categorically states that Scheduled Caste

converts to Christianity and Buddhism “will not therefore be eligible for these facilities”. The Government Order thus explicitly recognizes and reaffirms the position embodied in Clause 3 of the Constitution (Scheduled Castes) Order, 1950, which restricts Scheduled Caste status to persons professing Hindu, Sikh, or Buddhist religion.

48) The SC/ST Act is a statutory enactment of the Parliament of India. The Act serves as a crucial legal framework to protect the rights and dignity of Scheduled Castes and Scheduled Tribes in India, ensuring stringent measures against offences of atrocities and promoting their welfare and security. The inapplicability of G.O.Ms No. 341 issued by the State to such central enactments has been authoritatively clarified by the Central Government itself.

49) In a written reply to the Lok Sabha on 3rd August, 2021, the Minister of State for Social Justice and Empowerment, Shri A. Narayanaswamy, addressed this precise issue. The Press Information Bureau issued a press release⁹ titled “Benefit of Centrally Sponsored Schemes to Converted Christians” recording this parliamentary reply, which reads as follows:

“Ministry of Social Justice & Empowerment
Benefit of Centrally Sponsored Schemes to Converted
Christians
प्रविष्टि तिथि: 03 AUG 2021 5:25PM by PIB Delhi

No person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste. The benefits of Centrally Sponsored Schemes (CSS) meant for the welfare and development of Scheduled Castes can not be extended to Converted Christians from Scheduled Castes.

⁹ Ministry of Social Justice and Empowerment, “Benefit of Centrally Sponsored Schemes to Converted Christians (PIB Press Release, 03rd August, 2021)
<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1741930®=3&lang=2>

Government of Andhra Pradesh vide their letter dated 30.07.2021 has informed that they have issued orders vide GO.Ms. No. 341, Social Welfare Dept., dated 13.08.1977 that non-statutory concessions granted to the Scheduled Castes (Hindus)_by the State Government be extended to Scheduled Caste converts to Christian and to Buddhism.

Since this will not apply to the benefits under Centrally Sponsored Schemes or any other statutory benefits, no further action is contemplated from the Ministry. This information was given by The Minister of State for Social Justice and Empowerment Shri A. Narayanaswamy in the Loksabha in a written reply today.

MG/IA

(रिलीज़ आईडी: 1741930) आगंतुक पटल : 2758”

(emphasis supplied)

50) The aforesaid Press Release by the Ministry of Social Justice and Empowerment clarifies that G.O.Ms. No. 341 does not apply to the benefits under centrally sponsored schemes or any other statutory benefits. Hence, the reliance placed by the appellant on the Government Order is wholly misconceived.

51) To further appreciate our discussion on the issue raised, it is necessary to refer to some of the decisions of this Court which had addressed the same questions. In **C.M. Arumugam** (*supra*), a three-Judge Bench of this Court had observed as follows:

“17.It is the orthodox Hindu society still dominated to a large extent, particularly in rural areas, by medievalistic outlook and status-oriented approach which attaches social and economic disabilities to a person belonging to a scheduled caste and that is why certain favoured treatment is given to him by the Constitution. **Once such a person ceases to be a Hindu and becomes a Christian, the social and economic disabilities arising because of Hindu religion cease and hence it is no longer necessary to give him protection and for this reason he is deemed not to belong to a scheduled caste....”**

(emphasis supplied)

52) Thereafter, in **Guntur Medical College vs. Y Mohan Rao**¹⁰, a Constitution Bench of this Court had discussed in detail the Constitution (Scheduled Castes) Order, 1950. The observations made by the Court are as follows:

“The President in exercise of the power conferred upon him under Article 341 has issued the Constitution (Scheduled Castes) Order, 1950. Paras (2) and (3) of this Order are material and they read as follows:

“2. Subject to the provisions of this Order, the castes, races or tribes or parts of or groups within caste or tribes specified in Part I to XIII of the Schedule to this Order shall, in relation to the States to which these parts respectively relate, be deemed to be scheduled castes so far as regards members thereof resident in the localities specified in relation to them in those Parts of that Schedule.

3. Notwithstanding anything contained in para 2, no person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of a Scheduled Caste.”

The schedule to this order in Part I sets out the castes, races or tribes or parts of or groups within castes or tribes which shall in the different areas of the State of Andhra Pradesh be deemed to be scheduled castes. One of the castes specified there is Madiga caste and that caste must, therefore, be deemed to be a scheduled caste. But by reason of clause (3), a person belonging to Madiga caste would not be deemed to be a member of a scheduled caste unless he professes Hindu or Sikh religion at the relevant time. It is not necessary that he should have been born a Hindu or a Sikh. The only thing required is that he should at a material time be professing Hindu or Sikh religion.”

(emphasis supplied)

53) Following the *dictum* in **Y Mohan Rao** (*supra*), a Division Bench of this Court in **M. Chandra vs. M. Thangamuthu and Another**¹¹, observed as follows:

“28. Under these provisions, the Constitution (Scheduled Castes) Order was issued in 1950. It sets out the castes, races and tribes in each State of India

¹⁰ (1976) 3 SCC 411

¹¹ (2010) 9 SCC 712

and provides under Para 2, that a person belonging to any of the castes specified therein be deemed to be a Scheduled Caste for the purpose of the Constitution. Para 3 contains a proviso to the effect that notwithstanding anything contained in Para 2, no person who professes a religion different from the Hindu, Sikh or Buddhist religion shall be deemed to be a member of a Scheduled Caste. Reading Paras 2 and 3 of the Presidential Order would show that if a person belongs to a caste which is notified in the Schedule to the Presidential Order he/she would have the status of a Scheduled Caste, provided he/she professes Hinduism or one of the other religions specified in Para 3 of the Order.

(emphasis supplied)

54) Before we further deal with this aspect, it would be apposite to refer to a recent decision of this Court in *C. Selvarani vs. The Special Secretary-cum-District Collector and Others*¹², wherein a Division Bench was adjudicating the claim of a person seeking reservation benefits, available to Scheduled Castes, after conversion to Christianity. The relevant portion of the said decision is as follows:

“38. At this juncture, we may observe that India is a secular country. Every citizen has a right to practise and profess a religion of their choice as guaranteed under Article 25 of the Constitution. One converts to a different religion, when he/she is genuinely inspired by its principles, tenets and spiritual thoughts. However, if the purpose of conversion is largely to derive the benefits of reservation but not with any actual belief on the other religion, the same cannot be permitted, as the extension of benefits of reservation to people with such ulterior motive will only defeat the social ethos of the policy of reservation.

39. In the instant case, the evidence presented clearly demonstrates that the appellant professes Christianity and actively practices the faith by attending church regularly. Despite the same, she claims to be a Hindu and seeks for Scheduled Caste community certificate for the purpose of employment. Such a dual claim made by her is untenable and she cannot continue to identify herself as a Hindu after baptism. Therefore, the conferment of Scheduled Caste communal status to the appellant, who is a Christian by religion, but claims to be still embracing Hinduism only for the purpose of availing reservation in employment, would

¹² 2024 INSC 900

go against the very object of reservation and would amount to fraud on the Constitution.”

(emphasis supplied)

POSTULATES

55) Upon a cumulative reading of the aforesaid discussion and in the light of the Constitution (Scheduled Castes) Order, 1950 and Constitution (Scheduled Tribes) Order, 1950, the following principles emerge for determining the entitlement of a person to be recognised as a member of a Scheduled Caste or Scheduled Tribe:

- a) The claimant must demonstrably belong to a caste or tribe which is specifically notified and recognised under Clause 2 of the Constitution (Scheduled Castes) Order, 1950 and Constitution (Scheduled Tribes) Order, 1950, and such status must be established by clear, cogent, and unimpeachable evidence.
- b) No person who professes a religion other than Hindu, Sikh or Buddhist shall be deemed to be a member of a Scheduled Caste. This bar under Clause 3 of the Constitution (Scheduled Castes) Order, 1950 is categorical and absolute. Conversion to any religion not specified in Clause 3 results in immediate and complete loss of Scheduled Caste status from the moment of conversion regardless of birth.
- c) No statutory benefit, protection, reservation, or entitlement under the Constitution or under any enactment of Parliament or State Legislature that is predicated upon the membership of a Scheduled Caste can be claimed by or extended to any person who, by operation of Clause 3 of the Constitution (Scheduled Castes) Order, 1950, is not deemed to be a

member of a Scheduled Caste. This bar is absolute and admits no exception.

- d) A person cannot simultaneously profess and practice a religion other than the ones specified in Clause 3 of Constitution (Scheduled Castes) Order, 1950 and claim membership of a Scheduled Caste at the same time. A person who professes and practices such religion for personal, social and spiritual purposes cannot in law, assert membership of a Scheduled Caste for the purpose of securing statutory benefits. The two positions are mutually exclusive and contrary to the Constitutional scheme.
- e) In cases where a person claims to have reconverted from a religion not specified in Clause 3 of the Constitution (Scheduled Castes) Order, 1950 back to Hindu, Sikh or Buddhist religion, the following three conditions must be cumulatively and conclusively established:
- i. There must be a clear proof that the person originally belonged to a caste notified under the Constitution (Scheduled Castes) Order, 1950.
 - ii. There must be credible and unimpeachable evidence of *bona fide* reversion to the original religion, accompanied by complete and unequivocal renunciation of the religion to which conversion had taken place, total dissociation therefrom, and actual adoption and observance of the customs, usages, practices, rituals, and religious obligations of the original caste.

iii. There must be satisfactory and credible evidence establishing acceptance and assimilation by the members of the original caste and the concerned community. Mere self-proclamation is insufficient i.e., the community must recognize and accept the person as one of their own.

All the above three conditions are mandatory and cumulative. The burden of proving reconversion lies entirely on the claimant, to be proven through unimpeachable evidence. Failure to establish even one condition renders the claim unsustainable.

- f) Where a person ceases to be a member of a Scheduled Caste by virtue of Clause 3 of the Constitution (Scheduled Castes) Order, 1950, the loss of such status carries with it the automatic and immediate termination of all eligibility for statutory benefits, protections, reservations, preferences and entitlements that are predicated upon or flow from such membership.
- g) With respect to Scheduled Tribes, this Court clarifies that unlike the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Tribes) Order, 1950 does not prescribe religion-based exclusion. The determination of Scheduled Tribe status, therefore, cannot rest on conversion alone, but must turn on whether the claimant continues to possess and is recognised for the essential attributes of tribal identity, including customary practices, social organisation, community life, and acceptance by the concerned tribal community. Where conversion or subsequent conduct results in a

complete severance from the tribal way of life and loss of community recognition, the foundational basis for Scheduled Tribes status will stand eroded. Conversely, where such attributes demonstrably subsist or are genuinely re-established and accepted by the tribal community, the claim cannot be rejected mechanically. The assessment in such cases is necessarily fact-specific and is left to the competent authority to decide in accordance with Constitutional principles.

56) Reverting to the facts of the present case, it is not in dispute that the appellant was originally born into the Madiga community of Scheduled Caste. It is equally undisputed that he subsequently embraced Christianity. The submission advanced on behalf of the appellant that he continues to retain his Scheduled Caste status by birth notwithstanding such conversion cannot be accepted. When the postulates enunciated hereinabove are applied to the facts at hand, it becomes manifest that for a person to be recognised as a member of a Scheduled Caste, he must be professing the Hindu religion or such other religions as are expressly recognised under the Constitution (Scheduled Castes) Order, 1950. Once the appellant converted to Christianity, the caste status, which he earlier enjoyed as a member of the Madiga community, stood eclipsed in the eyes of law.

57) In the present case, it is not the case of the appellant that at any stage, he had reconverted from Christianity to his original religion or has been accepted back into the fold of the Madiga community. On the contrary, the evidence on record unmistakably establishes that the appellant continues to profess Christianity and has been functioning as a Pastor for more than a

decade, conducting regular Sunday prayer meetings in different houses of the village. It is also an admitted position that at the time of the alleged incident, the appellant was conducting prayer meeting as a Pastor at the house of one Doma Koti Reddy. These concurrent facts leave no room for doubt that the appellant continues to remain a Christian on the date of the occurrence.

58) As far as the contention of the learned counsel for the appellant placing reliance on the caste certificate is concerned, we are of the view that mere possession of the certificate will not be of any benefit to the appellant. The said caste certificate is mandatorily required to be in consonance with the Constitution (Scheduled Castes) Order, 1950. In this regard, we place reliance on the decision of this Court in ***K.P. Manu vs. Scrutiny Committee for Verification of Community Certificate***¹³, wherein a Division Bench had laid out three mandatory tests to be established by a person who claims to be a beneficiary of a caste certificate:

“38. In our considered opinion, three things that need to be established by a person who claims to be a beneficiary of the caste certificate are : (i) there must be absolutely clear-cut proof that he belongs to the caste that has been recognised by the Constitution (Scheduled Castes) Order, 1950; (ii) there has been reconversion to the original religion to which the parents and earlier generations had belonged; and (iii) there has to be evidence establishing the acceptance by the community. Each aspect according to us is very significant, and if one is not substantiated, the recognition would not be possible.”

(emphasis supplied)

59) From the above, it is clear that the administrative action of the State in providing the caste certificate to the appellant cannot be in disharmony with the Constitution (Scheduled Castes) Order, 1950. In the present case, we

¹³ (2015) 4 SCC 1

have no hesitation in holding that the appellant, having ceased to be a member of the Madiga community upon his conversion to Christianity and having failed to establish any subsequent reconversion, does not satisfy the mandatory Constitutional requirement for claiming the status of Scheduled Caste.

WHETHER THE HIGH COURT WAS RIGHT IN QUASHING PROCEEDINGS AGAINST RESPONDENT NOS. 2 TO 7?

A. Offences alleged under the SC/ST Act

60) At the very outset, it must be unequivocally stated that the offences registered under the SC/ST Act against respondent nos. 2 to 7 at the instance of the appellant cannot be sustained. Having already held that the appellant ceased to be a member of the Scheduled Caste community upon his conversion to Christianity, he cannot subsequently invoke the provisions of the SC/ST Act. The said statute is a special legislation enacted with the avowed object of preventing atrocities against the members of the Scheduled Castes and Scheduled Tribes and once the foundational requirement of caste status stands extinguished, the statutory protection thereunder is no longer available.

61) Therefore, we are of the view that the High Court was right in holding that the appellant has ceased to be a member of the Scheduled Caste on his conversion to Christianity. Accordingly, the appellant cannot be a person aggrieved under the SC/ST Act.

B. Offences alleged under the IPC

62) Before we discuss on the alleged offences under Sections 341, 506 and 323 read with Section 34 of the IPC against respondent nos. 2 to 7, it is

apposite to refer to the decision of this Court in ***State of Haryana vs. Bhajan Lal***¹⁴, wherein a Division Bench of this Court had deliberated on the list of cases, wherein power under Section 482 of the Cr.PC should be exercised by the High Court for quashing proceedings:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

¹⁴ 1992 Supp (1) SCC 335

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide 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.”

(emphasis supplied)

63) In light of the aforesaid legal parameters, we now proceed to examine the allegations levelled against respondent nos. 2 to 7 in relation to the offences punishable under Sections 341, 506 and 323 read with Section 34 of the IPC, as alleged to have been committed against the appellant.

64) The case of the appellant, as emerging from the complaint, is that on the date of the incident, after offering Sunday prayers and while returning to his residence, he was allegedly wrongfully restrained at the entrance of a nearby hamlet by respondent nos. 2 to 7, along with approximately twenty-five other persons. It is further alleged that his mobile phone and vehicle keys were forcibly taken away, that he was dragged and assaulted with hands and legs, and that threats to his life were extended.

65) The charge-sheet filed in the matter cites sixteen witnesses, including the appellant himself. Upon consideration of the material placed on record, the High Court, by the impugned judgment, proceeded to quash the criminal proceedings initiated at the instance of the appellant against respondent nos.

2 to 7. In this context, we consider it appropriate to extract the relevant reasoning of the High Court pertaining to the offences alleged under the IPC:

“38. In so far as the allegations of commission of offences under Sections 341, 506 and 323 read with 34 of IPC is concerned except for the statement of LW.1 there is no other corroborating statement of any of the witnesses. On the contrary LW.2 the wife of LW.1 would state that she came to know about the alleged altercation and that by the time she went there LW.1 had already started in a car with one Pothurlanka Srinivasa Rao-LW.4 in the car belonging to LW.3 - Addepalli Anii Kumar. She also stated that Anil Kumar and Pothurlanka Srinivasa Rao had dropped LW.1 at her house. Both LWs.3 and 4 state that there was an altercation and that about 30 people were questioning LW.1 about his activities in the village and that LWs.3 and 4 intervened and pacified the situation and thereafter dropped LW.1. LWs.3 and 4 state that about 30 people have assembled and questioned LW.1; however, LW.5 to LW.9 do not state so in their statement.

41. Similarly, except for the listed witness Nos.1 and 3 no other witness speak about the altercation involving 30 people. Even the charge sheet does not state that 30 people had participated in the altercation. The only person accompanying LW.1 at the time of the alleged altercation was LW.9, she does not state about the alleged presence of the 30 people. All that she says in her statement recorded on 27.01.2021 i.e., one day after the date of filing of complaint. LW.9 stated that, she was the pillion rider of the two wheeler which was driven by LW.1, when LW.1 and LW.9 reached cross roads of Kothapalem Village some people came and stopped the two wheeler stating that they wanted to talk with the Pastor and that LW.9 was dropped off at her house on another bike. It is also stated by LW.9 she after reaching her home, she overheard people shouting. Later she came to know that Reddy's of Kothapalem village have threatened LW.1 not to perform Sunday Prayers in the village. With these allegations, the requirements under Sections 341, 506, 323 read with 34 of IPC cannot be made out even after full fledged trial. This Court is of the considered view that a false complaint is filed and no purpose would be served if the petitioners are relegated to the trial Court and to undergo the rigmarole of trial.”

66) The allegations of wrongful restraint, hurt and criminal intimidation rest solely on the statement of the appellant, with no independent witness attributing any specific overt act to respondent nos. 2 to 7. LW-2 was

admittedly not present at the scene, while LW-3 and LW-4, though referring to an altercation, stated that the situation was pacified and the appellant was escorted away. Their version does not support any allegation of restraint, assault or threat. The claim regarding the presence of a large unlawful assembly is unsupported by the chargesheet or other witnesses, thereby weakening the case of a concerted act under Section 34 of the IPC. LW-9, who accompanied the appellant, also does not allege any assault, restraint or intimidation; her subsequent statements are hearsay in nature. Moreover, absence of consistent ocular testimony identifying the assailants or manner of occurrence, does not advance the prosecution's case.

67) Thus, we are of the view that the basic foundation in respect of allegations of wrongful restraint, causing hurt and criminal intimidation are not present in the material collected during investigation.

68) In *Bhajan Lal (supra)* and recently in *Neeharika Infrastructure Private Limited vs. State of Maharashtra*¹⁵, this Court has clearly held that where the uncontroverted allegations and the evidence collected during investigation do not disclose the commission of any offence, continuation of criminal proceedings would amount to an abuse of the process of law.

69) We are of the view that the High Court, upon a careful and correct appreciation of the material on record, arrived at the conclusion that the allegations under Sections 341, 506 and 323 read with Section 34 of the IPC are not borne out even if the prosecution's case is taken at its face value.

¹⁵ (2021) 19 SCC 401 (Para 33)

70) In view of the above analysis, we find no substance in the Appeal which fails and is hereby dismissed.

.....**J.**
(PRASHANT KUMAR MISHRA)

.....**J.**
(MANMOHAN)

NEW DELHI;
MARCH 24, 2026.