



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

Criminal Appeal No.2530 of 2026

Madan Gopal

...Appellant

Versus

The State of U.P. & Anr.

...Respondents

ORDER

Past sins cast long shadows; and the appellant herein is trying to dodge the shadow of misdemeanor committed in 1993, when he attempted to claim the status of a Scheduled Tribe. The appellant, an Engineer, was first appointed in the Central Public Works Department and later appointed to the State Service in the year 1984. His entry into State Service was on availing the benefit of a 'backward class' based on a certificate issued, which indicated his caste as '*Mallah*'. In 1993, the appellant produced Annexure P4 certificate before the Government asserting his roots in the '*Majhwar*' community notified in the Scheduled Tribes order issued under Article 342 of the Constitution of India.

2. Initially, Government approved it but later based on an enquiry conducted, the Tehsildar, Kalpi, District Jalaun, by Annexure P10 reported that Annexure P4, the photocopy of the certificate alleged to have been issued, does not bear the issue serial number. It was concluded that the certificate was not one issued from the said office based on which FIR No.330 of 2004 was registered in Police Station, Kalpi, District Jalaun as is indicated at Annexure P11.

3. Annexure P11 indicates that when the appellant applied to the Uttar Pradesh Public Service Commission for the post of Assistant Engineer, he had mentioned his caste as '*Mallah*', a 'backward class' and later in the year 1993, after nine years of joining service Annexure P4 was produced. The jurisdictional Court having proceeded to issue summons, the appellant filed an application for quashing the FIR under Section 482 of the Code of Criminal Procedure, 1973, which was rejected by the impugned judgment.

4. Before us also the learned counsel for the appellant tried to assert that he belongs to a Scheduled Tribe community as per the certificate issued. We are unable to

place any reliance on Annexure P4, since the copy does not show the date on which it was issued and also based on the report of the Tehsildar, which is fatal to its validity. Further, it is pertinent that the appellant's appointment in state service was after the date seen from the certificate. There is no perceivable reason as to why the claim was not made at that point of time. He sought selection only on the basis of his backward caste certificate.

5. Ms. Ruchira Goel, learned Government Advocate submits that as of now every attempt made by the appellant to assert his tribal status as per Annexure P4 certificate has failed and the writ petition on that count before the High Court has also been dismissed.

6. The learned Counsel for the appellant points out that the appellant is a septuagenarian, retired from service in the meanwhile, left alone in this world having lost his wife and both children, vagaries of fate. A person who tries to appropriate the benefits due to a Scheduled Tribe by dubious means, not only commits an illegal act but also denies a rightful candidate such benefits and normally does not

deserve any grace. But only considering the fact that the appellant was not able to obtain any benefit of the status he wrongly claimed and the futility of taking the prosecution to its logical conclusion at this point of time we are inclined to put the controversy at rest but, however, making it clear that none can claim parity on the basis of Annexure P4 certificate which in any event is found to be not valid.

7. We, hence, quash the proceedings initiated as per Charge-sheet No.3 of 2006 and the Criminal Case No.2213 of 2006 pending in the Court of Additional Chief Judicial Magistrate, Jalaun at Orai shall be closed and consigned to the records.

8. The appeal stands allowed only in the peculiar facts and circumstances of this case.

9. Pending application(s), if any, shall stand disposed of.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
MAY 14, 2026.