



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr. MMO No. 1113 of 2025**

**Reserved on: 20.11.2025**

**Date of Decision: 28.11.2025.**

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Satpal Raizada and others ...Petitioners

Versus

State of H.P. ...Respondent

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*Coram*

*Hon'ble Mr Justice Rakesh Kainthla, Judge.*

*Whether approved for reporting?<sup>1</sup> No*

For the Petitioners : Mr Sarthak Mehta, Advocate.

For the Respondent : Nemo

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**Rakesh Kainthla, Judge**

The petitioners have filed the present petition for quashing of FIR No. 489 of 2018, dated 13.10.2018, registered at Police Station Una Sadar, District Una, H.P., for the commission of offences punishable under Sections 341 and 143 of the Indian Penal Code (IPC).

2. Briefly stated, the facts giving rise to the present petition are that the police received information on 12.10.2018 that one person had committed suicide. The police reached the

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<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment? Yes.



spot and found that one person had hanged himself at a distance of 100 meters from the road. He was identified as Naresh Kumar @ Sumit. The dead body was being taken to Regional Hospital, Una when Nikhil, his brother-in-law and other villagers started shouting slogans against the police. They kept the dead body in the middle of the red light chowk. The petitioner Satpal Raizada, Sharma property dealer, Navdeep Kashyap and other persons started shouting slogans against the police. The vehicle bearing registration No. HP-72-2787, PB11CP-4384 and CH03W-0343 were parked in the middle of the road, and the traffic was stalled till 1:00 PM. The police registered the FIR and investigated the matter.

3. Being aggrieved by the registration of the FIR, the petitioners have filed the present petition, asserting that the people of the area gathered to pressurise the police and peacefully portray their distress. The discontent from the public was demonstrated peacefully, and there was no violation or damage to the public or personal property. The traffic police had also lodged FIR No. 489 of 2018 dated 13.10.2018 for the commission of offences punishable under Sections 341 and 143 of the IPC. The petitioners were not part of the agitation, and no evidence was



brought against them. The petitioners have not committed any offence, and they are being harassed unnecessarily. FIR No. 493 of 2018 dated 15.10.2018 was quashed by the Court in Cr.MP(M) 320/2021 qua the petitioners. Other FIRs of identical allegations were quashed against Dheeraj Sharma and Tej Pal in Cr.MMO No. 970 of 2022, and Cr.MMO No.656 of 2022, respectively. The case set up against the petitioners is wholly unfounded, misconceived and bereft of any substance. Therefore, it was prayed that the present petition be allowed and FIR No. 489 of 2018 and consequential proceedings arising out of it be quashed.

4. Mr Sarthak Mehta, learned counsel for the petitioners, has submitted that the Court had quashed the FIR No. 489 of 2018 qua Rahul Sharma in CrMMO No. 395 of 2025, decided on 26.05.2023. The Court had also quashed the FIR 493 dated 15.10.2018 against Nishant Menon in Cr.MP(M) No. 320 of 2021. The right to peacefully demonstrate is a constitutional right of a person, and the FIR was wrongly registered against the petitioners; therefore, it was prayed that the present petition be allowed and the FIR No. 489/2018 be quashed qua the petitioners.



5. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

6. The law relating to quashing of FIR was explained by the Hon'ble Supreme Court in *B.N. John v. State of U.P.*, 2025 SCC OnLine SC 7 as under: -

“7. As far as the quashing of criminal cases is concerned, it is now more or less well settled as regards the principles to be applied by the court. In this regard, one may refer to the decision of this Court in *State of Haryana v. Ch. Bhajan Lal*, 1992 Supp (1) SCC 335, wherein this Court has summarised some of the principles under which FIR/complaints/criminal cases could be quashed in the following words:

“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 give 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 based on which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

*(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 a private and personal grudge.” *(emphasis added)*



8. Of the aforesaid criteria, clause no. (1), (4) and (6) would be of relevance to us in this case.

In clause (1), it has been mentioned that 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, then the FIR or the complaint can be quashed.

As per clause (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 dated by the Magistrate as contemplated under Section 155 (2) of the CrPC, and in such a situation, the FIR can be quashed.

Similarly, as provided under clause (6), if there is an express legal bar engrafted in any of the provisions of the CrPC or the concerned Act under which the criminal proceedings are instituted, such proceedings can be quashed.”

7. This position was reiterated in *Ajay Malik v. State of Uttarakhand*, 2025 SCC OnLine SC 185, wherein it was observed:

“8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and



guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby preempting the Prosecution from building its case before the Trial Court. The grounds for quashing, *inter alia*, contemplate the following situations : (i) the criminal complaint has been filed with *mala fides*; (ii) the FIR represents an abuse of the legal process; (iii) no *prima facie* offence is made out; (iv) the dispute is civil in nature; (v.) the complaint contains vague and omnibus allegations; and (vi) the parties are willing to settle and compound the dispute amicably (*State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335*)

8. The present petition is to be decided as per the parameters laid down by the Hon'ble Supreme Court.

9. Section 141 of the IPC defines unlawful assembly as under:

**141. Unlawful assembly.**—An assembly of five or more persons is designated an “unlawful assembly” if the common object of the persons composing that assembly is—

*First.*—To overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or

*Second.*—To resist the execution of any law, or of any legal process; or

*Third.*—To commit any mischief or criminal trespass, or other offence; or

*Fourth.*—By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or



*Fifth.*—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

*Explanation.*—An assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.

10. The petitioners specifically asserted in para 3 of the petition that the people of the area gathered to pressurize the police authorities and the local authorities and portray their distress. Thus, it is apparent that the common object of the assembly was to pressurize the police. The FIR also states that the dead body was kept in the middle of the road, and the vehicles were parked to prevent the movement of traffic, which shows that the members of the assembly had a *prima facie* common object to restrain the movement of the vehicles and the persons travelling in them. Thus, the provisions of Section 141 first and third would be *prima facie* attracted to the present case, and a *prima facie* case of the commission of offences punishable under Section 143 and 341 of the IPC is made out against the petitioners.

11. Petitioner Satpal Raizada, Sharma property dealer, Navdeep Kashyap were specifically mentioned in the FIR. Therefore, *prima facie*, their presence in the assembly is established.



12. It was submitted that the contents of the FIR are false and the FIR should be quashed on this ground. This submission will not help the petitioners. It was held in *Punit Beriwalla v. State (NCT of Delhi)*, 2025 SCC OnLine SC 983, that the Court exercising jurisdiction under Section 482 of CrPC has to treat the allegations in the complaint as correct. It was observed:-

“29. It is settled law that the power of quashing of a complaint/FIR should be exercised sparingly with circumspection, and while exercising this power, the Court must believe the averments and allegations in the complaint to be true and correct. It has been repeatedly held that, save in exceptional cases where non-interference would result in a miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences. Extraordinary and inherent powers of the Court should not be used routinely according to its whims or caprice.”

13. This Court cannot conduct a mini-trial to determine the correctness or otherwise of the allegations made in the FIR. It was laid down in *Maneesha Yadav v. State of U.P.*, 2024 SCC OnLine SC 643, that the Court exercising inherent jurisdiction to quash the FIR cannot go into the truthfulness or otherwise of the allegations. It was observed: -

“13. As has already been observed hereinabove, the Court would not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of



quashing of the proceedings under Section 482 Cr. P.C. However, the allegations made in the FIR/complaint, if taken at their face value, must disclose the commission of an offence and make out a case against the accused. At the cost of repetition, in the present case, the allegations made in the FIR/complaint, even if taken at their face value, do not disclose the commission of an offence or make out a case against the accused. We are of the considered view that the present case would fall under Category-3 of the categories enumerated by this Court in the case of *Bhajan Lal (supra)*.

14. We may gainfully refer to the observations of this Court in the case of *Anand Kumar Mohatta v. State (NCT of Delhi), Department of Home (2019) 11 SCC 706: 2018 INSC 1060*:

“14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge sheet is filed, the petition for quashing of the FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in *Joseph Salvaraj A. v. State of Gujarat* [*Joseph Salvaraj A. v. State of Gujarat*, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23]. In *Joseph Salvaraj A. v. State of Gujarat*, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23], this Court while deciding the question of whether the High Court could entertain the Section 482 petition for quashing of FIR when the charge-sheet was filed by the police during the pendency of the Section 482 petition, observed: (SCC p. 63, para 16)

“16. Thus, the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same is not made out even prima facie from the complainant's FIR. Even if the charge sheet had been filed, the learned Single Judge [*Joesph Saivaraj A. v. State of Gujarat*, 2007 SCC OnLine Guj 365] could have still examined whether the offences alleged to have been



committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not.”

14. It was laid down by the Hon’ble Supreme Court in *Dharambeer Kumar Singh v. State of Jharkhand*, (2025) 1 SCC 392: 2024 SCC OnLine SC 1894 that the Court cannot conduct a mini-trial while exercising jurisdiction under section 482 of CrPC. It was observed on page 397:

“17. This Court, in a series of judgments, has held that while exercising inherent jurisdiction under Section 482 of the Criminal Procedure Code, 1973, the High Court is not supposed to hold a mini-trial. A profitable reference can be made to the judgment in *CBI v. Aryan Singh* [*CBI v. Aryan Singh*, (2023) 18 SCC 399: 2023 SCC OnLine SC 379]. The relevant paragraph from the judgment is extracted hereunder: (SCC paras 6-7)

6. ... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482CrPC, the Court is not required to conduct the mini-trial. ...

7. ... At the stage of discharge and/or while exercising the powers under Section 482CrPC, the Court has very limited jurisdiction and is required to consider ‘whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not’.”

15. This position was reiterated in *Muskan v. Ishaan Khan* (*Sataniya*), 2025 SCC OnLine SC 2355, wherein it was observed: -

22. On the aspect of the powers of the Courts under Section 482 of the Cr. P.C., it is settled that at the stage of quashing, the Court is not required to conduct a mini-



*trial*. Thus, the jurisdiction under Section 482 of the Cr. P.C. with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.

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27. We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to the credibility or otherwise of the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no *prima facie* case against the accused persons...”

16. Therefore, it is impermissible for this Court to conduct a mini-trial to determine whether the allegations in the FIR are correct or not.

17. It was submitted that the right to protest is part of democracy and cannot be stifled by instituting criminal proceedings. This submission is only to be rejected. It was laid down by the Hon’ble Supreme Court in *Amit Sahni (Shaheen Bagh, in re) v. State*, (2020) 10 SCC 439: 2020 SCC OnLine SC 808 that the right to protest does not include the right to block a public way, causing inconvenience to the public. It was observed at page 446:

“17. However, while appreciating the existence of the right to peaceful protest against a legislation (keeping in mind the words of Pulitzer Prize winner, Walter Lippmann, who said “*In a democracy, the opposition is not only tolerated as constitutional, but must be maintained because it is indispens-*



able”), we have to make it unequivocally clear that public ways and public spaces cannot be occupied in such a manner and that too indefinitely. Democracy and dissent go hand in hand, but then the demonstrations expressing dissent have to be in designated places alone. The present case was not even one of protests taking place in an undesignated area, but was a blockage of a public way, which caused grave inconvenience to commuters. We cannot accept the plea of the applicants that an indeterminable number of people can assemble whenever they choose to protest. K.K. Mathew, J. in *Himat Lal case [Himat Lal K. Shah v. State, (1973) 1 SCC 227: 1973 SCC (Cri) 280]* had eloquently observed that: (SCC p. 248, para 70)

“70. ... Streets and public parks exist primarily for other purposes, and the social interest promoted by untrammelled exercise of freedom of utterance and assembly in public street must yield to social interest which prohibition and regulation of speech are designed to protect. But there is a constitutional difference between reasonable regulation and arbitrary exclusion.”

18. In *Rahul Sharma* (supra), the Court found that there was no material to show the requisite intent or knowledge, and a large number of people had gathered to carry out the demonstration. In the present case, the petition itself mentions that the purpose was to pressurise the police. The FIR mentions that the vehicles were parked in the middle of the road, and the dead body was kept on the road, which shows that the assembly intended to overawe the public authorities and prevent the movement of the public. Therefore, the allegations are sufficient to *prima facie* conclude that the petitioners are involved in the



commission of offences punishable under Sections 341 and 143 of the IPC. In *Nishant* (supra), FIR No. 493 dated 15.10.2018 was considered, and in the absence of the FIR, it is difficult to say that the contents are identical to apply the cited judgments to the present case.

19. The FIR was registered in 2018. The petition was filed in 2025 after the lapse of more than seven years. No reason has been assigned for approaching the Court after such a long delay. It was laid down by the Delhi High Court in *Sanyam Bhushan v. State (NCT of Delhi)*, 2024 SCC OnLine Del 4545, that the Court should not entertain the belated petitions for quashing the FIR. It was observed:

“43. At the outset, I find merit in the submission made by the learned counsel for the Complainant that the present set of petitions is liable to be dismissed on the ground of delay and laches, as also for the failure of the petitioners to avail of their alternate efficacious remedy in the form of Revision Petitions under Section 397 of the Cr. P.C.

44. It need not be emphasised that powers under Section 482 of the Cr. PCs are discretionary in nature, and though there may not be a total ban on the exercise of such power where the situation so warrants, at the same time, there are limitations of self-restraint that are recognised and followed by the Courts in exercising this jurisdiction. One such limitation is where the petitioner had an alternate efficacious remedy; however, they did not avail of the same within the period of limitation and thereafter



filed the petition under Section 482 of the Cr. P.C. to overcome the objection of limitation. Similarly, the Courts have refused to entertain a petition under Section 482 of the Cr. P.C., where it is filed with unexplained delay and laches and in the meantime, the trial has proceeded.”

20. Hence, in these circumstances, the exercise of inherent jurisdiction under Section 482 of Cr.P.C. is not justified.

21. The petitioner has also sought the quashing of the criminal case No. 727 of 2019, titled State of HP vs Nikhil Kumar, which means that the learned Trial Court is seized of the matter. It was laid down by the Hon’ble Supreme Court in *Iqbal v. State of U.P.*, (2023) 8 SCC 734: 2023 SCC OnLine SC 949 that when the charge sheet has been filed, the learned Trial Court should be left to appreciate the same. It was observed:

“At the same time, we also take notice of the fact that the investigation has been completed and the charge sheet is ready to be filed. Although the allegations levelled in the FIR do not inspire any confidence, particularly in the absence of any specific date, time, etc. of the alleged offences, we are of the view that the appellants should prefer a discharge application before the trial court under Section 227 of the Code of Criminal Procedure (CrPC). We say so because even according to the State, the investigation is over and the charge sheet is ready to be filed before the competent court. In such circumstances, the trial court should be allowed to look into the materials which the investigating officer might have collected forming part of the charge sheet. If any such discharge application is filed, the trial court shall look into the



materials and take a call whether any discharge case is made out or not.”

22. No other point was urged.

23. Consequently, the present petition fails, and the same is dismissed.

24. The observations made herein before shall remain confined to the disposal of the petition and will have no bearing, whatsoever, on the merits of the case.

**(Rakesh Kainthla)**  
**Judge**

28<sup>th</sup> November, 2025  
(Nikita)