

2026:HHC:3321

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1012 of 2025

Reserved on: 16.01.2026

Date of Decision: 23.01.2026

Anuradha Sagar

...Petitioner

Versus

State of H.P. & another

...Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Vacation Judge.

Whether approved for reporting? No

For the Petitioner : Mr Kunal Madan, Mr Naresh K. Sharma, and Ms Bhawna learned Advocates.

For respondents No. 1 to 3 : Mr Prashant Sen, Deputy Advocate General.

For respondents No. 4 & 5 : Mr Ajay Kochchar, Senior Advocate, with Mr Anubhav Chopra, Advocates.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of FIR No. 147 of 2025 dated 23.09.2025 registered at Police Station Palampur, District Kangra, H.P for the commission of an offence punishable under Section 308(2) of Bhartiya Nayay Sanhita 2023(BNS).

2. Briefly stated, the facts giving rise to the present petition are that the respondent No.2/informant made a complaint to the police, asserting that the petitioner Anuradha Sagar is his daughter-in-law. The informant is running his business at Palampur. The relationship of the petitioner and her husband is strained, and they are residing separately. The petitioner demanded ₹15,00,00,000/- from the informant and asked him to transfer his property situated at Delhi in her name. The informant transferred ₹4,00,000/- to the petitioner's account to purchase a house in Santa Barbara, California, USA. He transferred the money to the petitioner repeatedly to avoid unnecessary harassment and humiliation. The petitioner asked the informant to transfer the property in her name and deliver the money; otherwise, she would file a false complaint against him. She had filed several complaints against the informant. She also told the informant to transfer the property in her name; otherwise, she would implicate him in such a false case that he would remember it for the rest of his life. The petitioner filed a false complaint against the informant at Police Station Kalkaji on 29.05.2023, which was dismissed. She also made a complaint against the informant at Cuttack (Odisha), which was

dismissed. She filed a complaint under Section 156(3) of the CrPC in the Court of the learned Judicial Magistrate First Class-06 South East, Distt. New Delhi, which was also dismissed. Hence, it was prayed that an action be taken against the petitioner.

3. Being aggrieved by the registration of the FIR, the petitioner has approached this Court by filing the present petition, asserting that the petitioner married the informant's son and started residing with him at New Delhi. She had gone to Cuttack, Orissa after her father's death. She received a notice from the Hon'ble High Court at Delhi about a civil suit filed by the informant against her. The informant had claimed in the civil suit that he had purchased a house in the USA for the petitioner as a gift. The Hon'ble High Court passed an order for separate rented accommodation in favour of the petitioner. The petitioner has also filed a complaint of fraud against the informant and an application under Section 156(3) of Cr.PC for the registration of the FIR, which was converted into a complaint case. The petitioner also filed a petition under the Protection of Women from Domestic Violence Act 2005. Various litigations are pending between the parties. The petitioner

never committed any extortion, and false allegations were made against her. The informant filed a false complaint as a counterblast to the cases instituted by the petitioner. The police at Palampur do not have any jurisdiction to investigate the matter. The petitioner is a resident of Gurugram, and the informant is residing in Delhi. Petitioner never visited Palampur. No offence punishable under Section 308 (2) of BNS is made out against the petitioner. The allegations show a family dispute between the parties and do not constitute extortion as is understood in law. The informant's son and the petitioner had agreed on a mutual divorce, and he had sent an email to the petitioner. There is no evidence that the informant was induced to deliver any property or valuable security under the fear generated by the petitioner. The FIR was lodged belatedly. Therefore, it was prayed that the present petition be allowed and the FIR, along with consequential proceedings, be quashed.

4. The petition is opposed by the State by filing a status report, reproducing the contents of the FIR. It was asserted that a notice was served upon the petitioner during the pendency of the proceedings. But she refused to accept the notice. The

informant claimed that he was being threatened to withdraw the FIR lodged by him. He made a statement which was recorded by the police. He stated that the petitioner had threatened to implicate the informant's son in a false case of attempted rape. She also threatened to implicate the informant in a case of hurt by causing hurt to herself. She called the informant on 25/26-05-2023 to demand ₹15,00,00,000/-and threatened to make the informant visit the police station and the Court. She also lodged the FIR with the police. She again called the informant and demanded ₹ 30,00,00,000/- or she would file the false complaints against the informant. The police checked the call detail record. The police also went through the recording of the threatening calls made to the informant. The investigation is continuing. Hence, the status report.

5. The informant also filed a reply to the petition reproducing the contents of the FIR. It was asserted that the petition is premature. The FIR discloses the commission of a cognizable offence. The pendency of a matrimonial dispute does not prevent a person from approaching the police. The petitioner is not cooperating with the investigation and is

wrongly trying to project herself as a victim. The investigation is continuing, and the FIR should not be quashed at this stage. The informant approached the police only after repeated threats were advanced by the petitioner and an unlawful demand for money was made. The threat of false prosecution also amounts to extortion. Therefore, it was prayed that the present petition be dismissed.

6. I have heard Mr Kunal Madhan, Mr Naresh K. Sharma, and Ms Bhawna learned Advocates for the petitioner, Mr Prashant Sen, learned Deputy Advocate General for the respondent No.1/State and Mr Ajay Kochhar, learned Senior Advocate, assisted by Mr Anubhav Chopra, learned Advocate for the respondent No.2/informant.

7. Mr Kunal Madhan, learned Counsel for the petitioner, submitted that the allegations in the FIR do not constitute the commission of any cognizable offence. The desire to approach the Court or police for the redressal of the grievance cannot amount to any extortion. The FIR was lodged belatedly. The litigations are pending between the parties, and the FIR was lodged with a malicious intention to harass the

petitioner. The present case falls within the parameters laid down by the Hon'ble Supreme Court in *State of Haryana vs Bhajan Lal 1992 Supplement (1) SCC 335*; therefore, he prayed that the present petition be allowed and the FIR be quashed.

8. Mr Prashant Sen, learned Deputy Advocate General for the respondent No.1/State submitted that the allegations in the FIR constitute the commission of a cognizable offence. False implication in a criminal case to extort money can constitute extortion. The informant specifically stated in the FIR as well as in his statement before the police that the petitioner had demanded money from the informant by threatening to falsely implicate him. The ingredients of the extortion are, *prima facie*, satisfied. The investigations are continuing, and the present petition is premature; hence, he prayed that the present petition be dismissed.

9. Mr Ajay Kochhar, learned Senior Counsel for the respondent No.2/informant submitted that a threat to pay money by falsely implicating a person constitutes coercion. The allegations in the FIR constitute an offence punishable under Section 308 of BNS. The present petition is premature because

the police have only registered the FIR and are continuing with the investigation. The petitioner has a remedy of approaching the learned Trial Court to seek her discharge if the chargesheet is filed before the Court; hence, he prayed that the present petition be dismissed. He relied upon *Vinay Kumar and another vs State of H.P and another* 2024 HHC 8556, *Ganga Bai vs Shriram* 1991 Criminal Law Journal 2018, *Mahendra Vs State of Karnataka* (2022) 2 Supreme Court Cases 129, *Supriya Jain Vs State of Haryana & another* (2023) 7 Supreme Court Cases 711, *Priyanaka Jaiswal vs State of Jharkhand & others* 2024 SCC Online SC 685, *Central Bureau of Investigation vs Aryan Singh and others* (2023) 18, SCC 399, *Central Bureau of Investigation vs Arvind Khanna* (2019) 10 SCC 686, *Tilly Gifford vs Micheal Floyd Eshwar* (2018) 11 SCC 205, *Sourabh Bhardwaj & another vs State of H.P* 2023 HHC 13695, *Dr. Ena Sharma vs State of Himachal Pradesh* 2025 HHC 19863, *Satyabhan Singh & Others vs State of Himachal Pradesh* 2025 HHC 12651, *Jaipal & others vs State of H.P & Others* 2025 HHC 9049 and *M/s Balaji Traders vs The State of U.P & Anr* 2025 SLP (Crl) No.3159/2025 in support of his submission.

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

11. The law relating to quashing of criminal cases 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 on the basis of 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.”

12. 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 pre-empting 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).

13. This position was reiterated in *Rajendra Bihari Lal v. State of U.P.*, 2025 SCC OnLine SC 2265, wherein it was observed:

“70. The aforesaid decisions of this Court make it clear that where the High Court is satisfied that the process of any court is being abused or likely to be abused or that the ends of justice would not be secured, it is not only empowered but also obligated under the law to exercise its inherent powers. The provision does not confer any new power on the High Court but rather saves the power which the

High Court already possesses, from before the enactment of the legislation, by reason of its very existence. In exercise of its power, it would be legitimate for the High Court to quash any criminal proceedings if the High Court finds that the initiation or continuation of it may lead to abuse of process of court, and quashing of the proceedings would serve the ends of justice.”

14. The parameters for exercising jurisdiction to interfere with the investigations being carried out by the police were considered by the Hon’ble Supreme Court in *Neeharika Infrastructure (P) Ltd. v. State of Maharashtra*, (2021) 19 SCC 401: 2021 SCC OnLine SC 315, and it was observed at page 444:

13. From the aforesaid decisions of this Court, right from the decision of the Privy Council in *Khwaja Nazir Ahmad [King Emperor v. Khwaja Nazir Ahmad, 1944 SCC OnLine PC 29: (1943-44) 71 IA 203: AIR 1945 PC 18]*, the following principles of law emerge:

13.1. The police have the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences.

13.2. Courts would not thwart any investigation into the cognizable offences.

13.3. However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report, the Court will not permit an investigation to go on.

13.4. The power of quashing should be exercised sparingly with circumspection, in the “rarest of rare cases”. (The rarest of rare cases standard in its application for quashing under Section 482CrPC is not to

be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court.)

13.5. While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability, genuineness or otherwise of the allegations made in the FIR/complaint.

13.6. Criminal proceedings ought not to be scuttled at the initial stage.

13.7. Quashing of a complaint/FIR should be an exception and a rarity rather than an ordinary rule.

13.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the ends of justice or prevent the abuse of the process by Section 482CrPC.

13.9. The functions of the judiciary and the police are complementary, not overlapping.

13.10. Save in exceptional cases where non-interference would result in the miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.

13.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

13.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to an abuse of the process of law. During or after the investigation, if the

investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate, which may be considered by the learned Magistrate in accordance with the known procedure.

13.13. The power under Section 482CrPC is very wide, but the conferment of wide power requires the Court to be cautious. It casts an onerous and more diligent duty on the Court.

13.14. However, at the same time, the Court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in *R.P. Kapur [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21: AIR 1960 SC 866]* and *Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335: 1992 SCC (Cri) 426]*, has the jurisdiction to quash the FIR/complaint.

13.15. When a prayer for quashing the FIR is made by the alleged accused, the Court when it exercises the power under Section 482CrPC, only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

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

16. The FIR mentions that the petitioner had demanded money from the informant, or otherwise, she would implicate him in a false case that he would remember for the rest of his life. It was submitted on behalf of the petitioner that taking

recourse to the law cannot amount to extortion. This submission cannot be accepted. In the present case, the petitioner had not expressed her desire to take recourse to law but demanded money from the informant by threatening to falsely implicate him. It was laid down by Allahabad High Court in *Emperor v. Bhagwan Din*, 1929 SCC OnLine All 556: ILR (1930) 52 All 20 that putting a person in fear of reporting the matter to the police and seeking money would constitute an extortion, it was observed at page 206:

All the ingredients of the offence of extortion as defined in section 383 are present in this case. No offer of a bribe emanated from Ramana. Bhagwan Din put Ramana in fear of being continued in custody, of being reported against and delivered to the police, and thereby dishonestly induced Ramana to pay him ten rupees as the condition for his release. He has been rightly convicted under Section 384 of the Penal Code, 1860. The sentence passed on him does not err on the side of severity

17. Patna High Court also took a similar view in *Habib Khan v. State*, 1951 SCC OnLine Pat 121: AIR 1952 Pat 379 and observed at page 380:

3. It seems to me, however, on the facts accepted by both the courts below, that the petitioners had tied the complainant with a turban and compelled him to proceed in the direction of the police station, but detained him at an orchard where they proposed payment of Rs. 50 for his release. It seems to me that the action of the petitioner in

keeping the complainant tied in the orchard was certainly an act which amounted to wrongful restraint in such a manner as to prevent that person from proceeding beyond certain circumscribing limits. As to whether there was extortion, it was said that extortion, as defined in S. 383, Penal Code, requires the person to be put in fear of any injury and that injury must be physical. It has been ruled long ago not only by this Court but by various High Courts in India as well as by Courts in England that the word 'injury' in such circumstances is not necessarily physical. Even a terror of a criminal charge, whether true or false, amounts to a fear of injury— see the cases of '*Queen v. Mobarak*', 7 WR (Cr.) 28, and '*Rex v. James Gardener*', (1824) 1 Car & P. 479. The petitioners had threatened to take the complainant to the thana on a charge of theft. They, therefore, had put him in fear of an injury. In my opinion, therefore, the act of the petitioners did amount to wrongful confinement for the purpose of extorting the complainant.

18. Therefore, threatening a person to implicate him in a false case and demanding money from him constitutes an act of extortion, and the allegations in the FIR and the informant's statement recorded by the police *prima facie* disclose the commission of an offence of extortion.

19. The petitioner asserted in her petition that the initiation of criminal proceedings cannot be equated with extortion. Reliance was placed upon the judgment of the Hon'ble Supreme Court in *Vijay Kumar versus State of Maharashtra* (1998) 9 SCC 525 and *K. Karunakaran v. T.V. Eachara Warriar*, (1978) 1 SCC

18. However, no judgment was found on page 525 of Volume 9 of Supreme Court Cases for the year 1998. The judgment in *K. Karunakaran* (supra) deals with an offence punishable under Section 193 of IPC and is not related to extortion; therefore, no advantage can be derived from the cited judgments.

20. It was submitted that there was a delay in reporting the matter to the police, and the FIR should be quashed because of the delay. This submission will not help the petitioner. It was laid down by the Hon'ble Supreme Court in *Punit Beriwal v. State (NCT of Delhi)*, 2025 SCC OnLine SC 983 that the F.I.R. cannot be quashed on the ground of delay. It was observed:

21. It is settled law that a delay in registration of the FIR for offences punishable with imprisonment of more than three years cannot be the basis of interdicting a criminal investigation. The delay will assume importance only when the complainant fails to give a plausible explanation, and whether the explanation is plausible or not, has to be decided by the Trial Court only after recording the evidence. In this context, the Supreme Court in *Skoda Auto Volkswagen (India) Private Limited v. State of Uttar Pradesh*, (2021) 5 SCC 795 has held, “The mere delay on the part of the third respondent complainant in lodging the complaint, cannot by itself be a ground to quash the FIR. The law is too well settled on this aspect to warrant any reference to precedents...” (Emphasis supplied)

21. It was submitted that the allegations in the FIR are false and they were made as a counterblast to the proceedings

pending between the parties. This submission will not help the petitioner. It was held in *Punit Beriwal 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.”

22. 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. [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 [*Joeshph 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.”

23. 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 at 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’.”

24. 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.

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

26. It was submitted that the allegations in the FIR are improvements because no such allegations were made in the previous litigation between the parties. This submission will not help the petitioner. In *Muskan* (supra), the High Court had quashed the proceedings on the ground that the allegations were not made previously. The Hon'ble Supreme Court set aside the order, holding that the High Court had exceeded its jurisdiction.

It was observed: -

“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. In the present case, from the conjoint reading of the complaints and the FIR, it can be seen that *prime facie* allegations of harassment and

demand of dowry are made out, despite that the High Court quashed the FIR against the private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022 and the same were later on mentioned in the FIR only as an afterthought and was a counterblast to the legal notice sent by respondent no. 1/husband to the appellant, as she was not coming back to her matrimonial home. This approach adopted by the High Court, in our considered opinion, amounts to conducting a mini-trial.” (Emphasis supplied)

27. Therefore, the FIR cannot be quashed because the informant had not made the allegations in the previous litigation between the parties.

28. It was submitted that the relationship between the parties is strained, and the complaint was filed because of the strained relationship. This submission will not help the petitioner. It was laid down by the Hon’ble Supreme Court in *Ramveer Upadhyay v. State of U.P.*, 2022 SCC OnLine SC 484, that a complaint cannot be quashed because it was initiated due to enmity. It was observed:

“30. The fact that the complaint may have been initiated because of a political vendetta is not in itself grounds for quashing the criminal proceedings, as observed by Bhagwati, CJ, in *Sheonandan Paswan v. State of Bihar* (1987) 1 SCC 2884. It is a well-established proposition of law that a criminal prosecution, if otherwise justified and based upon adequate evidence, does not become vitiated on account of mala fides or political vendetta of the first

informant or complainant. Though the view of Bhagwati, CJ, in *Sheonandan Paswan* (supra) was the minority view, there was no difference of opinion with regard to this finding. To quote Krishna Iyer, J., in *State of Punjab v. Gurdial Singh* (1980) 2 SCC 471, “If the use of power is for the fulfilment of a legitimate object, the actuation or catalysation by malice is not legicidal.”

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39. In our considered opinion, criminal proceedings cannot be nipped in the bud by the exercise of jurisdiction under Section 482 of the Cr.P.C. only because the complaint has been lodged by a political rival. It is possible that a false complaint may have been lodged at the behest of a political opponent. However, such a possibility would not justify interference under Section 482 of the Cr.P.C. to quash the criminal proceedings. As observed above, the possibility of retaliation on the part of the petitioners by the acts alleged, after the closure of the earlier criminal case, cannot be ruled out. The allegations in the complaint constitute an offence under the Atrocities Act. Whether the allegations are true or untrue would have to be decided in the trial. In the exercise of power under Section 482 of the Cr.P.C., the Court does not examine the correctness of the allegations in a complaint except in exceptionally rare cases where it is patently clear that the allegations are frivolous or do not disclose any offence. The Complaint Case No. 19/2018 is not such a case which should be quashed at the inception itself without further Trial. The High Court rightly dismissed the application under Section 482 of the Cr.P.C.”

29. Thus, the FIR cannot be quashed because it was lodged due to a strained relationship.

30. It was submitted that the police at Palampur had no jurisdiction to investigate the matter. The petitioner never

visited Palampur, and even the informant does not reside at Palampur. This submission will not help the petitioner. It was laid down by the Hon'ble Supreme Court in *Satvinder Kaur v. State (Govt. of NCT of Delhi)*, (1999) 8 SCC 728, that the SHO has a statutory authority to investigate any cognizable offence, and the investigation cannot be quashed on the ground of lack of territorial jurisdiction. It was observed:-

“8. In our view, the submission made by the learned counsel for the appellant requires acceptance. The limited question is whether the High Court was justified in quashing the FIR on the ground that the Delhi Police Station did not have territorial jurisdiction to investigate the offence. From the discussion made by the learned Judge, it appears that the learned Judge has considered the provisions applicable to criminal trials. The High Court arrived at the conclusion by appreciating the allegations made by the parties that the SHO, Police Station Paschim Vihar, New Delhi was not having territorial jurisdiction to entertain and investigate the FIR lodged by the appellant because the alleged dowry items were entrusted to the respondent at Patiala and that the alleged cause of action for the offence punishable under Section 498-A IPC arose at Patiala. In our view, the findings given by the High Court are, on the face of it, illegal and erroneous because:

- (1) The SHO has statutory authority under Section 156 of the Criminal Procedure Code to investigate any cognizable case for which an FIR is lodged.
- (2) At the stage of investigation, there is no question of interference under Section 482 of the Criminal Procedure Code on the ground that the investigating officer has no territorial jurisdiction.

(3) After the investigation is over, if the investigating officer arrives at the conclusion that the cause of action for lodging the FIR has not arisen within his territorial jurisdiction, then he is required to submit a report accordingly under Section 170 of the Criminal Procedure Code and to forward the case to the Magistrate empowered to take cognisance of the offence.

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15. Hence, in the present case, the High Court committed a grave error in accepting the contention of the respondent that the investigating officer had no jurisdiction to investigate the matters on the alleged ground that no part of the offence was committed within the territorial jurisdiction of the police station at Delhi. The appreciation of the evidence is the function of the courts when seized of the matter. At the stage of the investigation, the material collected by an investigating officer cannot be judicially scrutinised for arriving at a conclusion that the police station officer of a particular police station would not have territorial jurisdiction. In any case, it has to be stated that in view of Section 178(c) of the Criminal Procedure Code, when it is uncertain in which of the several local areas an offence was committed, or where it consists of several acts done in different local areas, the said offence can be enquired into or tried by a court having jurisdiction over any of such local areas. Therefore, to say at the stage of the investigation that the SHO, Police Station PaschimVihar, New Delhi, was not having territorial jurisdiction, is, on the face of it, illegal and erroneous. That apart, Section 156(2) contains an embargo that no proceeding of a police officer shall be challenged on the ground that he has no territorial power to investigate. The High Court has completely overlooked the said embargo when it entertained the petition of Respondent 2 on the ground of want of territorial jurisdiction.”

31. It was held in *Rasiklal Dalpatram Thakkar v. State of Gujarat, (2010) 1 SCC 1*, that once an investigation is commenced under Section 156(1), it cannot be interrupted on the ground that the Police Officer was not empowered. It was observed: -

27. In our view, both the trial court as well as the Bombay High Court had correctly interpreted the provisions of Section 156 CrPC to hold that it was not within the jurisdiction of the investigating agency to refrain itself from holding a proper and complete investigation merely upon arriving at a conclusion that the offences had been committed beyond its territorial jurisdiction.”

32. Therefore, it is impermissible to quash the FIR on the ground that the police had no territorial jurisdiction to investigate the matter.

33. Reliance was also placed upon the photocopies of various documents to support the petitioner’s claim. It was laid down by the Hon’ble Supreme Court of India in *Rajendra Bihari Lal v. State of U.P., 2025 SCC OnLine SC 2265*, that the Court can look into the documents of sterling quality while exercising inherent jurisdiction. It was observed:

72. This Court in *Rajiv Thapar v. Madan Lal Kapoor, (2013) 3 SCC 330*, laid down steps that ought to be followed by the High Court to determine the veracity of a prayer for quashing of proceedings. The steps were premised on the understanding that the courts are not barred from looking at the materials produced by the accused of

sterling and impeccable quality. It was held that the material should be such as would persuade a reasonable person to reject, dismiss and condemn the allegations as false. The judicial conscience of the High Court would then be persuaded to exercise its power under Section 482 of the Cr.P.C. to quash the proceedings with a view to prevent abuse of process of the court and secure the ends of justice. The relevant observations have been reproduced hereinbelow: —

“30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused, i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5. *If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of*

power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom), especially when it is clear that the same would not conclude in the conviction of the accused.”
(Emphasis supplied)

34. In the present case, the photocopies of the documents cannot be said to be of sterling quality, and it is impermissible to look into them.

35. The judgments cited on behalf of the petitioner deal with the various aspects of the jurisdiction of Section 528 of the BNSS, which have been noticed above, and it is not necessary to deal with them.

36. No other point was urged.

37. In view of the above, the present petition fails, and it is dismissed. Petition stands disposed of in the above terms, so also pending applications, if any.

38. The observation made hereinbefore shall remain confined to the disposal of the instant petition and will have no bearing, whatsoever, on the merits of the case.

(Rakesh Kainthla)
Vacation Judge

January 23, 2026
(Meera)