



RESEARCH QUESTION

"What remedies exist in India against a false FIR, including quashing under Section 528 of the BNSS (formerly Section 482 CrPC), the Bhajan Lal categories, anticipatory bail, and prosecution for false cases?"

Remedies in Indian Law Against False FIRs: Quashing under Section 528 of the BNSS, the Bhajan Lal Guidelines, Anticipatory Bail, and Prosecuting Malicious Complainants

TL;DR

In India, a false or malicious FIR can be quashed by the High Court under its inherent powers, now preserved under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) [formerly Section 482 of the Code of Criminal Procedure, 1973 (CrPC)], provided the allegations fall within the landmark illustrative categories established by the Supreme Court in *State of Haryana v. Bhajan Lal* (1992). Accused persons apprehending arrest can seek protection through anticipatory bail under Section 482 of the BNSS (formerly Section 438 CrPC), while malicious complainants can be prosecuted for filing false charges under Section 217 of the Bharatiya Nyaya Sanhita, 2023 (BNS) [formerly Section 182/211 of the Indian Penal Code, 1860 (IPC)].

VERIFIED CASES	STATUTES	LATEST RULING
25	5	2025
16 High Courts · 9 SC		Gauhati High Court

CONTENTS

I. Detailed Analysis	3
II. Statutory Provisions	6
III. Cases Discussed	8
IV. Case Details	10

I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Absence of Prima Facie Offence or Essential Ingredients

Criminal proceedings must be quashed when the allegations in the FIR, even accepted at face value, fail to disclose the essential statutory elements of the charged offences. In such instances, forcing the accused to endure a criminal trial is an unjustified abuse of process, as seen in *B.N. John v. State of U.P.* (2025).

02 Protection Against Malicious and Vengeful Prosecutions

The High Court will intervene to quash an FIR that is manifestly motivated by mala fides, personal grudges, or private vengeance rather than a genuine pursuit of justice. This protection prevents criminal machinery from being weaponized to force settlements or exert improper pressure, as applied in *Rajendra Pal v. State of Madhya Pradesh* (2023).

03 Prohibition on Criminalizing Essentially Civil Disputes

Attempts to settle purely civil, commercial, or contractual disputes by filing a false FIR and giving them a criminal veneer are strongly deprecated. High Courts are duty-bound to quash such proceedings as they constitute a clear abuse of the judicial process, as held in *Anand Kumar Mohatta v. State (Govt. of NCT of Delhi)* (2018).

04 Strict Compliance with Procedural and Statutory Bars

Prosecution cannot proceed where there is an express statutory bar, such as the requirement of a written complaint by a competent public authority under Section 195 of the CrPC (now Section 211 BNSS) for false charges. A filer of a false case can be prosecuted under Section 217 BNS, but procedural prerequisites must be strictly satisfied first, as detailed in *Yogesh M. Parab v. Mukund M. Goradia* (2010).

05 Quashing of Absurd and Inherently Improbable Allegations

If the allegations contained in the FIR are so absurd or inherently improbable that no prudent person could reasonably conclude there are grounds for proceeding, the court must quash the case to prevent harassment. This applies when long-standing consensual relationships are retroactively and absurdly characterized as rape under a false promise of marriage, as demonstrated in *Lalu Yadav v. State of Uttar Pradesh* (2024).

06 Restraint on Conducting Mini-Trials at the Quashing Stage

High Courts must exercise their quashing power cautiously and sparingly, without engaging in a detailed appreciation of evidence or conducting a mini-trial to assess the credibility of allegations. If a prima facie cognizable offence is disclosed and serious allegations exist, the investigation and trial must be allowed to proceed, as emphasized in *State of Odisha v. Pratima Mohanty* (2021).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION	The Supreme Court has consistently held that while the inherent power to quash under Section 482 CrPC (now Section 528 BNSS) is extraordinarily wide, it must be exercised to advance justice and prevent harassment, especially in counter-blast or civil-natured disputes (<i>Hridaya Ranjan Prasad Verma v. State of Bihar</i> (2000)), and when the basic ingredients of the offence are missing (<i>Asmathunnisa v. State of A.P.</i> (2011)).
HIGH COURT VARIATIONS	High Courts actively invoke quashing powers to terminate infructuous prosecutions where the parties have subsequently reconciled, indicating that continuing the trial would be an abuse of process (<i>Saidul Hoque Barbhuiya v. State of Assam</i> (2025)), but they also strictly discourage direct quashing petitions when alternative remedies before Magistrates and Police are not exhausted (<i>Dharampal v. State of Haryana</i> (2010)).
RECENT EVOLUTION	Modern jurisprudence has refined the boundaries of quashing, clarifying that contemporary criminal complaints containing vulgar or profane language do not per se satisfy the statutory threshold of obscene or sexually explicit content under the IT Act, requiring a contextual evaluation rather than automatic prosecution (<i>Apoorva Arora v. State (Govt. of NCT of Delhi)</i> (2024)).

UNSETTLED AREAS OR CAVEATS

The distinction between a mere breach of contract and criminal cheating remains a highly fact-intensive inquiry, where the court must look at the inception of the transaction to determine if fraudulent intent existed, which is often difficult to resolve without a full trial (*Sonu v. State of U.P.* (2023)).

II. Statutory Provisions 5 PROVISIONS

SECTION 482, CODE OF CRIMINAL PROCEDURE, 1973 — SAVING OF INHERENT POWER OF HIGH COURT

Saves the inherent powers of the High Court to pass orders necessary to prevent the abuse of any court's process or to secure the ends of justice.

"Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice." *Cited in:* Anand Kumar Mohatta v. State (Govt. of NCT of Delhi), Hridaya Ranjan Prasad Verma v. State of Bihar, Varinder Singh v. State of Punjab & Anr., Asmathunnisa v. State of A.P., State of Odisha v. Pratima Mohanty, Abdul Hamid v. State of Assam, Saidul Hoque Barbhuiya v. State of Assam, V. Radhakrishna v. Alla Rama Krishna Reddy, Basanagouda R. Patil v. State of Karnataka, Hasan Khan v. State of M.P., Dharampal v. State of Haryana, Subhash Chand v. Nisha Dhanda, Vishav Bhooshan Sood v. State of Punjab and another

SECTION 482, BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 — DIRECTION FOR GRANT OF BAIL TO PERSON APPREHENDING ARREST

Empowers the High Court or Court of Session to grant anticipatory bail to a person who apprehends arrest on accusations of committing a non-bailable offence.

"(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail." *Cited in:* Not cited in the provided case excerpts

SECTION 528, BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 — SAVING OF INHERENT POWERS OF HIGH COURT

Preserves the inherent powers of the High Court under the BNSS to prevent the abuse of the process of any court and to ensure justice is served.

"Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice." *Cited in:* raised in the research question

SECTION 483, BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 — SPECIAL POWERS OF HIGH COURT OR COURT OF SESSION REGARDING BAIL

Deals with the general and special powers of the High Court or Court of Session to grant, modify, or cancel bail.

"(1) A High Court or Court of Session may direct,--- (a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section; (b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified..." *Cited in:* Not cited in the provided case excerpts

SECTION 217, BHARATIYA NYAYA SANHITA, 2023 — FALSE INFORMATION, WITH INTENT TO CAUSE PUBLIC SERVANT TO USE HIS LAWFUL POWER TO INJURY OF ANOTHER PERSON

Punishes any individual who provides false information to a public servant with the intent to cause harm, injury, or annoyance to another person.

"Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant— (a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him; or (b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both." *Cited in:* Not cited in the provided case excerpts

III.

Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Rajendra Pal v. State of Madhya Pradesh</i> MPHC010609882022	HIGH COURT OF MADHYA PRADESH	2023	Quashes rape FIR initiated maliciously to settle personal scores and matrimonial disputes.
02	<i>Saidul Hoque Barbhuiya v. State of Assam</i> GAHC010242602018	GAUHATI HIGH COURT	2025	Quashes rape FIR since parties subsequently married and lived together happily.
03	<i>Sonu v. State of U.P.</i> UPHC010023222023	ALLAHABAD HIGH COURT	2023	Quashes criminal complaint filed maliciously to harass spouse by concealing their marriage.
04	<i>Abdul Hamid v. State of Assam</i> GAHC010011362017	GAUHATI HIGH COURT	2020	Quashes cruelty FIR where allegations failed to satisfy essential ingredients of Section 498A.
05	<i>State of Odisha v. Pratima Mohanty</i> ESCR010005312021	SUPREME COURT OF INDIA	2021	Refuses quashing where thorough investigation disclosed prima facie serious public corruption offences.
06	<i>V. Radhakrishna v. Alla Rama Krishna Reddy</i> HBHC011006192017	HIGH COURT FOR STATE OF TELANGANA	2018	Details the Bhajan Lal quashing guidelines in defamation complaints involving news publishers.
07	<i>Unidentified Petitioner v. State of Telangana</i> HBHC010847732016	HIGH COURT FOR STATE OF TELANGANA	2017	Quashes proceedings where police conducted an unauthorized investigation into non-cognizable offences.
08	<i>Basanagouda R. Patil v. State of Karnataka</i> KAHC010566072024	HIGH COURT OF KARNATAKA	2024	Evaluates quashing of FIR registered for political speech under the BNS guidelines.
09	<i>Asmathunnisa v. State of A.P.</i> ESCR010004352011	SUPREME COURT OF INDIA	2011	Quashes SC/ST Act prosecution because essential ingredients of public-view insult were missing.
10	<i>Rakesh Kumar Gupta v. State of Punjab</i> PHHC010396752013	HIGH COURT OF PUNJAB AND HARYANA	2015	Refuses quashing of NDPS FIR where allegations disclosed a prima facie offence.
11	<i>Apoorva Arora v. State (Govt. of NCT of Delhi)</i> ESCR010001992024	SUPREME COURT OF INDIA	2024	Quashes FIR under IT Act because profane language does not constitute obscenity.
12	<i>B.N. John v. State of U.P.</i> ESCR010000022025	SUPREME COURT OF INDIA	2025	Quashes prosecution where essential allegations of assault and criminal force were absent.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	<i>Vishav Bhooshan Sood v. State of Punjab and another</i> PHHC011465172024	HIGH COURT OF PUNJAB AND HARYANA	2025	Reviews quashing of property dispute FIR where allegations prima facie disclose offence.
14	<i>Dr. Shakuntala Kumar v. State of Jharkhand</i> JHHC010214422012	HIGH COURT OF JHARKHAND	2023	Quashes criminal negligence case against medical professional acting in good faith.
15	<i>State of Bihar v. Md. Khalique</i> ESCR010005782001	SUPREME COURT OF INDIA	2001	Reverses quashing order because FIR allegations prima facie disclosed forgery and conspiracy.
16	<i>Anand Kumar Mohatta v. State (Govt. of NCT of Delhi)</i> ESCR010001612018	SUPREME COURT OF INDIA	2018	Quashes breach of trust FIR arising out of essentially civil property disputes.
17	<i>Varinder Singh v. State of Punjab & Anr.</i> ESCR010003252014	SUPREME COURT OF INDIA	2014	Quashes Prisons Act FIR where allegations failed to disclose any prohibited conduct.
18	<i>Pande Ratneshwari Prasad v. The Union of India</i> JHHC010070862018	HIGH COURT OF JHARKHAND	2024	Refuses quashing where allegations disclosed a prima facie case of bank fraud.
19	<i>Dr. Om Prakash Anand v. State of Jharkhand</i> JHHC010251522021	HIGH COURT OF JHARKHAND	2022	Examines quashing of medical negligence FIR filed without mandatory expert opinion.
20	<i>Subhash Chand v. Nisha Dhanda</i> PHHC010842032025	HIGH COURT OF PUNJAB AND HARYANA	2025	Dismisses quashing petition where prima facie allegations of matrimonial theft existed.
21	<i>Hridaya Ranjan Prasad Verma v. State of Bihar</i> ESCR010001882000	SUPREME COURT OF INDIA	2000	Quashes cheating FIR where fraudulent intention was absent at transaction's inception.
22	<i>Dharampal v. State of Haryana</i> PHHC010182542010	HIGH COURT OF PUNJAB AND HARYANA	2010	Relegates petitioner to statutory alternative remedies before seeking high court intervention.
23	<i>Hasan Khan v. State of M.P.</i> MPHC030001812020	HIGH COURT OF MADHYA PRADESH	2021	Refuses quashing of FIR where official sanction protection was inapplicable.
24	<i>Lalu Yadav v. State of Uttar Pradesh</i> ESCR010005682024	SUPREME COURT OF INDIA	2024	Quashes rape FIR where consensual relationship was misrepresented as false promise.
25	<i>Yogesh M. Parab v. Mukund M. Goradia</i> HCBM010348012009	BOMBAY HIGH COURT	2010	Discusses procedural thresholds for initiating false charge prosecution under Section 211 IPC.

IV. Case Details

25 CASE FILES

01 Rajendra Pal v. State of Madhya Pradesh

HIGH COURT OF MADHYA PRADESH • 2023-10-31 • MCRC/53890/2022

The petitioner sought to quash an FIR registered against him for alleged rape and criminal intimidation. The court noted that the complainant had filed the case only after the petitioner's wife had initiated separate criminal proceedings against the complainant's husband. The court observed that the significant delay in reporting, the lack of specific details regarding the incident, and the timing of the complaint suggested it was a retaliatory measure intended to pressure the petitioner. Finding the prosecution to be malicious and initiated with ulterior motives for vengeance, the court exercised its power to quash the FIR and all subsequent proceedings.

HELD The High Court held that when criminal proceedings are initiated out of a private and personal grudge to settle a score, it is a fit case for quashing under Section 482 of the CrPC. The Court emphasized that malicious prosecution with an ulterior motive for wreaking vengeance falls squarely within Guideline 7 of the *Bhajan Lal* precedent. Consequently, the FIR and all subsequent proceedings were quashed.

“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.” In view of the aforesaid guidelines laid down by the Supreme Court especially guideline No.7, I have no hesitation to say that it is completely a false case got registered just to create pressure so as to get the dispute settled between the parties. It is otherwise a malicious prosecution initiated with ulterior motive for wreaking vengeance.”

HIGH COURT OF MADHYA PRADESH • 2023

SOURCE MPHC010609882022

02 Saidul Hoque Barbhuiya v. State of Assam

GAUHATI HIGH COURT • 2025-03-10 • CRL.PET./1084/2018

The petitioner sought to quash an FIR alleging that he had committed rape against a minor. During the proceedings, it was submitted that the petitioner had subsequently married the victim and that they were living together with a child. The complainant's side confirmed this reconciliation and expressed no objection to the proceedings being quashed. Observing that a conviction was unlikely given the circumstances and that continuing the trial would serve no purpose, the High Court exercised its inherent powers under Section 482 of the Code of Criminal Procedure to quash the criminal case to prevent an abuse of the judicial process.

HELD The High Court quashed the rape FIR because the parties had married and were living together, rendering a future conviction highly improbable. The Court determined that continuing the trial under these circumstances would be an abuse of the process of the court. Thus, quashing was necessary to prevent injustice and serve the ends of justice.

“Reverting to the case in hand, this court is of the opinion that under the given circumstances, there is no possibility of conviction in future. Therefore, allowing the criminal proceeding to continue before the trial court would be nothing but an abuse of process of the court. This is a fit case for exercising the power under Section 482 of the CrPC.”

GAUHATI HIGH COURT • 2025

SOURCE GAHC010242602018

03 Sonu v. State of U.P.

ALLAHABAD HIGH COURT • 2023-02-09 • A482/736/2023

The applicant sought to quash criminal proceedings initiated against him by his wife, who had filed a complaint alleging offences under sections 354, 323, 504, and 506 of the IPC while concealing the existence of their marriage. During the proceedings, the complainant admitted to the marital relationship but expressed a desire for dissolution. The court observed that the complaint was filed with mala fide intentions to harass the applicant and that the complainant should instead seek relief under the Hindu Marriage Act. Concluding that the criminal proceedings were an abuse of the court's process, the High Court quashed the complaint and the associated summoning order.

HELD The High Court held that where a complainant conceals material facts and tailors a frivolous story with ulterior, malicious motives to harass the applicant, the proceedings deserve to be quashed. Relying on the *Bhajan Lal* guidelines, the court ruled that continuing such a proceeding is a clear abuse of process.

“From the discussion made above, when the complainant concealing the material fact has tailored a frivolous story against the applicant, thus, it could be well assessed that she has some nefarious motive to be achieved by the instant complaint case, thus deserves to be quashed.”

ALLAHABAD HIGH COURT • 2023

SOURCE UPHC010023222023

04 Abdul Hamid v. State of Assam

GAUHATI HIGH COURT • 2020-05-12 • CRL.PET./74/2017

The petitioner, an former Member of Parliament, sought to quash an FIR filed against him by his second wife under Sections 419, 498A, and 506 of the Indian Penal Code. The respondent alleged cruelty and abandonment following their marriage. The court observed that the respondent had previously filed for restitution of conjugal rights, which she later withdrew before lodging the criminal complaint. Upon review, the court determined that the allegations, even if accepted as true, failed to satisfy the essential ingredients for cruelty under Section 498A, as there was no evidence of dowry demands or conduct likely to cause grave injury or suicide. Consequently, the court found the criminal proceedings to be an abuse of process and quashed the FIR.

HELD The Gauhati High Court observed that an FIR which does not disclose the essential ingredients of the alleged offences cannot form the starting point of a lawful investigation. The Court noted that police lack authority to investigate an FIR that fails to show the commission of a cognizable offence, and such proceedings are fit to be quashed.

“A first information report which does not allege or disclose the essential requirements of the penal provisions are prima facie satisfied cannot form the foundation or constitute the starting point of a lawful investigation. It is therefore, not within the authority of the police to investigate into an FIR which does not disclose the commission of a cognizable offence and the Code of Criminal Procedure, 1973 does not impose upon the police to cause investigation into such a case.”

GAUHATI HIGH COURT • 2020

SOURCE GAHC010011362017

05 State of Odisha v. Pratima Mohanty

SUPREME COURT OF INDIA • 2021-12-11 • 2021 INSC 872

This case concerns a criminal conspiracy involving public servants at the Bhubaneswar Development Authority (BDA) who were alleged to have abused their official positions to allot prime plots to themselves and their relatives at minimal rates, causing significant loss to the public exchequer. Following a thorough investigation by the Vigilance Cell, a charge-sheet was filed against the accused for offences under the Prevention of Corruption Act and the Indian Penal Code. The High Court had initially quashed the proceedings against certain accused, acting as if it were conducting a mini-trial to assess the evidence. The Supreme Court set aside this order, ruling that the High Court improperly delved into the merits of the allegations, which should be determined at the trial stage, not under Section 482 of the Cr.P.C.

HELD The Supreme Court held that the power of quashing an FIR or charge-sheet must be exercised sparingly and in rare cases, without conducting a mini-trial on the merits of the evidence. When a thorough investigation has been completed and a charge-sheet is filed, and the allegations do not fit into the *Bhajan Lal* exceptions, the proceedings should not be quashed.

“At the stage of discharge and/or considering the application under Section 482 Cr.P.C. the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court.”

SUPREME COURT OF INDIA • 2021

SOURCE ESCR010005312021

06 V. Radhakrishna v. Alla Rama Krishna Reddy

HIGH COURT FOR STATE OF TELANGANA • 2018-01-05 • CRLP/11861/2017

This criminal petition was filed to quash a private complaint regarding the alleged defamation of Y.S. Jagan Mohan Reddy and the YSR Congress Party. The complainant, an MLA, alleged that the petitioners, who are the

editorial and management staff of the newspaper Andhra Jyothi, published malicious, distorted, and defamatory news items on May 15 and 16, 2017, to serve political interests. The petitioners argued that the complainant was not an "aggrieved person" under the Code of Criminal Procedure, as he was not personally named in the reports. They also contended that the Managing Director of the publishing company should not be held liable for the editorial content.

HELD The High Court held that if the allegations in the charge-sheet or FIR, taken at face value, do not constitute any offence or are absurd, or if the case is initiated purely to wreck vengeance, it is a fit case for quashing under Section 482 CrPC. Applying the *Bhajan Lal* guidelines, the court allowed the petition and quashed the criminal proceedings.

"According to guideline Nos. 1 to 3 formulated in " State of Haryana v. Bhajan Lal " (referred above), if the allegations made in the charge sheet or F.I.R., taken on their face value, would not constitute any offence or absurd or if the charge sheet is filed to wreck vengeance against the accused, abusing process of the Court, the Court may exercise the inherent jurisdiction under Section 482 of Cr.P.C."

HIGH COURT FOR STATE OF TELANGANA • 2018

SOURCE HBHC011006192017

07 Unidentified Petitioner v. State of Telangana

HIGH COURT FOR STATE OF TELANGANA • 2017-12-18 • CRLP/9190/2016

The petitioner sought to quash criminal proceedings for offences under Sections 504 and 506 of the Indian Penal Code, arguing that these are non-cognizable offences for which the police lacked authority to investigate without prior magisterial permission, as required by Section 155(2) of the Code of Criminal Procedure. The court found that the police had initiated the investigation and filed a charge sheet without obtaining the necessary judicial order. Consequently, the court held that the investigation was vitiated by a serious legal irregularity. Invoking its inherent powers under Section 482 Cr.P.C., the court quashed the proceedings pending before the Judicial First Class Magistrate, Mahabubnagar.

HELD The High Court held that where the police conduct an investigation and file a charge-sheet for non-cognizable offences without obtaining a magisterial order under Section 155(2), the procedure is irregular and the trial cannot proceed. Such unauthorized investigation is a serious legal defect that justifies quashing under Section 482 of the CrPC.

"In view of the guidelines above, when the procedure adopted by the police is irregular, the trial cannot be proceeded with by the Magistrate since the police are incompetent. Therefore, the proceedings in C.C.No.20 of 2015 on the file of the Judicial First Class Magistrate, Mahabubnagar, for the offences punishable under Sections 504 and 506 IPC are hereby quashed."

HIGH COURT FOR STATE OF TELANGANA • 2017

SOURCE HBHC010847732016

08 Basanagouda R. Patil v. State of Karnataka

HIGH COURT OF KARNATAKA • 2024-12-12 • CRL.P/10076/2024

The petitioner, a member of the legislative assembly, sought to quash an FIR registered against him for alleged inflammatory remarks made about the Leader of the Opposition, Rahul Gandhi. The complaint, filed by a representative of the Karnataka Pradesh Congress Committee, accused the petitioner of making derogatory comments regarding Gandhi's ancestral religion and family background, allegedly intended to promote enmity and disharmony between different groups. The petitioner contended that his remarks were based on factual observations regarding Gandhi's statements made abroad and did not constitute the criminal offences charged under the Bharatiya Nagarik Suraksha Sanhita (BNS). The court reviewed the complaint's contents against the statutory requirements of the BNS, evaluating whether the petitioner's speech met the criteria for inciting hatred or public mischief.

HELD The High Court of Karnataka, applying *Bhajan Lal* guidelines, reiterated that criminal proceedings constitute a gross abuse of process when the allegations in the FIR do not disclose the necessary ingredients of the alleged cognizable offences. If the statutory thresholds of the penal provisions are not satisfied, the FIR must be quashed.

“allowance of the proceedings pursuant to the impugned FIR bearing No . 31 of 2020 registered at PS Muni Ki Reti, District Tehri Garhwal against the appellant is nothing but gross abuse of process of law because the allegations as set out in the FIR do not disclose necessary ingredients of any cognizable offence. Hence, the impugned FIR and all proceedings sought to be taken against the appellant are hereby quashed and set aside.”

HIGH COURT OF KARNATAKA • 2024

SOURCE KAHC010566072024

09 Asmathunnisa v. State of A.P.

SUPREME COURT OF INDIA • 2011-03-29 • 2011 INSC 232

This appeal concerned the prosecution of the appellant under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, following a dispute between the appellant's husband and the complainant. The complainant alleged that the appellant's husband used derogatory language regarding his caste at his residence while the complainant was absent. The appellant challenged the criminal proceedings, arguing that the essential elements of the offense were not met. The Supreme Court held that for an offense to be committed under Section 3(1)(x) of the Act, the insult must occur within public view, which necessitates the presence of the victim. Because the complainant was absent during the incident, the court quashed the complaint against the appellant to prevent the abuse of legal process.

HELD The Supreme Court ruled that when the basic ingredients of an offence are missing from the complaint, forcing the accused to undergo the rigmarole of a criminal trial is unjustified and constitutes an abuse of the process of law. High Courts should quash such proceedings to prevent injustice.

“When the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law.”

SUPREME COURT OF INDIA • 2011

SOURCE ESCR010004352011

10 Rakesh Kumar Gupta v. State of Punjab

HIGH COURT OF PUNJAB AND HARYANA • 2015-04-08 • CRM-M/28978/2013

The petitioner sought to quash an FIR registered under the Narcotic Drugs and Psychotropic Substances Act, 1985, after the chemical examiner's report indicated the morphine content in the recovered opium was less than 0.2%. The petitioner argued that the substance therefore did not qualify as 'opium' under the Act and that the charges were unsustainable. The court rejected this contention, relying on Supreme Court precedent. It held that when the recovered material constitutes opium under the Act, the percentage of morphine content is irrelevant for determining whether the substance falls under the category of opium. Concluding that the allegations constituted a prima facie case, the court dismissed the petition.

HELD The High Court held that if the allegations in the FIR disclose a prima facie case and do not fall within the guidelines laid down in *Bhajan Lal*, there is no ground for quashing. The petition was dismissed as it failed to demonstrate any abuse of process.

“respectfully following the law laid down by the Hon'ble Supreme Court in *Bhajan Lal*'s case (supra) as well as in *Harjit Singh* case (supra), this court feels no hesitation to conclude that present one is not a fit case for quashing of the FIR and the subsequent criminal proceedings arising therefrom.”

HIGH COURT OF PUNJAB AND HARYANA • 2015

SOURCE PHHC010396752013

11 Apoorva Arora v. State (Govt. of NCT of Delhi)

SUPREME COURT OF INDIA • 2024-03-19 • 2024 INSC 223

This case concerned whether the use of profane language and expletives in the web-series 'College Romance' constituted the publication of obscene and sexually explicit content under sections 67 and 67A of the Information Technology Act, 2000. The High Court had directed the registration of an FIR based on the presence of vulgar language. The Supreme Court set aside the High Court's decision and quashed the FIR. The Court held that while the language used was vulgar and profane, it did not amount to obscenity, which requires the material to appeal to prurient interests or tend to deprave and corrupt. The Court clarified that profanity does not per se constitute obscenity, and the content must be evaluated in the context of the series as a whole.

HELD The Supreme Court held that quashing of an FIR or criminal complaint is warranted when the allegations on a bare reading, taken prima facie, do not disclose the commission of any offence. The court must look at whether the statutory ingredients of the penal provisions are satisfied.

“It is settled that a court must exercise its jurisdiction to quash an FIR or criminal complaint when the allegations made therein, taken prima facie, do not disclose the commission of any offence.”

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010001992024

12 B.N. John v. State of U.P.

SUPREME COURT OF INDIA • 2025-01-01 • 2025 INSC 4

This case concerns the quashing of criminal proceedings initiated against the appellant for alleged offenses under Sections 353 and 186 of the Indian Penal Code. The appellant, a hostel owner, faced allegations of obstructing public officials during a raid. The Supreme Court observed that a complaint under Section 186 IPC requires a written complaint by a public servant before a Judicial Magistrate, a requirement that was not met here. Regarding Section 353 IPC, the Court found the FIR lacked essential allegations of assault or criminal force, noting that these claims appeared to be afterthought additions inconsistent with the original complaint. Consequently, the Court quashed the criminal proceedings, determining that the prosecution constituted an abuse of the process of law.

HELD The Supreme Court applied *Bhajan Lal* guidelines to quash criminal proceedings where there is an express legal bar (such as the lack of a written complaint under Section 195 CrPC for Section 186 IPC) and where the allegations fail to disclose the essential ingredients of the offence. The Court emphasized the need to prevent the abuse of process.

“Of the aforesaid criteria, clauses 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.”

SUPREME COURT OF INDIA • 2025

SOURCE ESCR010000022025

13 Vishav Bhooshan Sood v. State of Punjab and another

HIGH COURT OF PUNJAB AND HARYANA • 2025-04-24 • CRM-M/54158/2024

The petitioner sought to quash an FIR, a judicial order rejecting a police cancellation report, and a subsequent challan report. The dispute originated from a property conflict between neighbors, where the petitioner was accused of criminal intimidation and wrongful restraint. Following an initial police investigation, a cancellation report was filed, which the Magistrate rejected, directing further investigation. The petitioner challenged this, citing conflicting evidence regarding the presence of the parties at the scene. The High Court reviewed the scope of a Magistrate's power to order further investigation, emphasizing that while such powers exist to ensure a fair trial, they must be exercised sparingly in exceptional circumstances to serve the interests of justice.

HELD The High Court observed that when the allegations in the FIR or evidence collected do not satisfy the statutory ingredients of the offences, superior courts will not encourage harassment through criminal proceedings. The inherent power under Section 482 is of wide amplitude, exercised to prevent abuse of process and secure the ends of justice.

“when the allegations made in the FIR or the evidence collected during investigation, do not satisfy the ingredients of offences, the superior Courts would not encourage harassment of a person in a criminal case for nothing.”

HIGH COURT OF PUNJAB AND HARYANA • 2025

SOURCE PHHC011465172024

14 Dr. Shakuntala Kumar v. State of Jharkhand

HIGH COURT OF JHARKHAND • 2023-06-14 • CR.M.P./1387/2012

The petitioner, a doctor, sought to quash criminal proceedings initiated against her for medical negligence following the death of a patient and her infant during surgery. The court observed that the patient had been admitted in a critical condition with prior injuries and that the petitioner had acted in good faith to save their lives. Citing the Supreme Court’s precedent in *Jacob Mathew v. State of Punjab*, the court emphasized that criminal prosecution against medical professionals requires evidence of gross negligence, typically supported by an independent medical opinion, to protect practitioners from frivolous litigation. Finding no such basis for the charges, the court quashed the criminal proceedings.

HELD The High Court held that summoning an accused is a serious matter and that criminal law cannot be set into motion as a matter of course. Relying on *Bhajan Lal*, the court ruled that where a prosecution is shown to be malicious, or when the essential requirements for prosecuting a category of professionals (like doctors) are completely absent, the FIR can be quashed.

“Further if the malicious prosecution case is found and proved before the Court and the Court comes to the conclusion that the prosecution was malicious even the F.I.R can be quashed in light of the judgment of Hon’ble Supreme Court in *State of Haryana v. Bhajan Lal*; [1992 Supp (1) SCC 335].”

HIGH COURT OF JHARKHAND • 2023

SOURCE JHHC010214422012

15 State of Bihar v. Md. Khalique

SUPREME COURT OF INDIA • 2001-11-28 • 2001 INSC 584

This case concerns the quashing of a criminal investigation by the Patna High Court regarding allegations of forgery and conspiracy related to land reform assessments. The FIR alleged that government officers and private parties colluded to forge documents to illegally withdraw state compensation funds. The Supreme Court of India held that the High Court erred in quashing the investigation, as the FIR contained specific allegations that prima facie disclosed a cognizable offence. Emphasizing that the power to quash proceedings should be exercised sparingly and only in the rarest of cases, the Court set aside the High Court's judgment and directed that the police investigation be permitted to proceed.

HELD The Supreme Court held that when an FIR discloses cognizable offences, the High Court cannot interfere with the police investigation. Quashing should be done sparingly, and if a prima facie case is made out, the prosecution must be allowed to proceed.

“In view of the settled legal position and as offences have been disclosed in the FIR, the High Court ought not to have interfered with the investigation and should have permitted police to complete it. We, accordingly, hold that the High Court has committed a grave error in quashing the entire proceeding and ought not to have thwart the prosecution.”

SUPREME COURT OF INDIA • 2001

SOURCE ESCR010005782001

16 Anand Kumar Mohatta v. State (Govt. of NCT of Delhi)

SUPREME COURT OF INDIA • 2018-11-15 • 2018 INSC 1060

This case concerns a dispute arising from a development agreement between a property owner and a developer, where the developer sought to prosecute the owner for criminal breach of trust after the project failed due to regulatory changes. The developer alleged that the owner's failure to refund a security deposit and the transfer of the subject property constituted criminal offenses. The Supreme Court held that the dispute was essentially civil in nature, as the security deposit was not entrusted property and its retention did not meet the legal threshold for criminal breach of trust. The Court quashed both the FIR and the subsequent charge-sheet, noting that using criminal proceedings to pressure a party in a civil dispute constitutes an abuse of process.

HELD The Supreme Court held that attempts to settle civil disputes and claims by applying pressure through criminal prosecution must be strongly deprecated. When a dispute is civil, and the allegations do not disclose any criminal offence, the High Court must exercise its inherent power under Section 482 of CrPC to quash the FIR.

“Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.....” The Court noticed a growing trend in business circles to convert purely civil dispute into criminal cases.”

SUPREME COURT OF INDIA • 2018

SOURCE ESCR010001612018

17 Varinder Singh v. State of Punjab & Anr.

SUPREME COURT OF INDIA • 2014-01-16 • 2014 INSC 33

The appellant was charged under the Prisons Act after being found with a mobile phone and charger while visiting a prison in 2009. The High Court refused to quash the proceedings, leading to this appeal. The Supreme Court set aside the High Court's decision, noting that at the time of the incident, mobile phones were not listed as prohibited articles under the relevant prison rules, and the appellant, as a visitor, could not be charged with 'prison offences' applicable only to inmates. Furthermore, the Court held that the subsequent legal amendment specifically targeting mobile phone possession in prisons could not be applied retrospectively to the appellant's 2009 conduct.

HELD The Supreme Court ruled that an FIR must be quashed when the allegations, accepted in their entirety, do not prima facie constitute any offence. Since the conduct was not a prohibited act under the rules at the time, no offence was made out under the Prisons Act, and thus the proceedings were quashed.

“The case of the appellant clearly falls under category (1) of the grounds of quashing of FIR mentioned in the case of Bhajan Lal (supra). On the date of the offence, mobile phone was not listed as one of the prohibited articles under the Punjab Prison Manual. Thus, no offence is made out under Section 42 of the Act...”

SUPREME COURT OF INDIA • 2014

SOURCE ESCR010003252014

18 Pande Ratneshwari Prasad v. The Union of India

HIGH COURT OF JHARKHAND • 2024-02-02 • CR.M.P./763/2018

The petitioner, a panel advocate for the State Bank of India, sought to quash criminal proceedings filed by the Central Bureau of Investigation. The bank had alleged a conspiracy involving various private companies and their promoters who secured substantial credit facilities by mortgaging properties using forged and fake sale deeds. These accounts were declared non-performing assets, and subsequent investigations revealed that the petitioner, in his capacity as a legal advisor, had allegedly vetted or facilitated the use of these fraudulent documents. The court denied the request to quash the proceedings, ruling that the allegations disclosed a prima facie case of serious financial fraud and conspiracy that necessitated a full trial to determine the petitioner's culpability.

HELD The High Court held that the power of quashing a criminal proceeding must be exercised very sparingly, with circumspection, and only in the rarest of rare cases. The court is not justified in embarking upon an enquiry as to the reliability or genuineness of the allegations at the quashing stage.

“the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will 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”

HIGH COURT OF JHARKHAND • 2024

SOURCE JHHC010070862018

19 Dr. Om Prakash Anand v. State of Jharkhand

HIGH COURT OF JHARKHAND • 2022-07-20 • CR.M.P./1914/2021

This case concerns a petition to quash criminal proceedings against a doctor regarding allegations of medical negligence and other offenses following the death of a patient at his hospital. The petitioner contended that the FIR was registered without the mandatory preliminary inquiry required by Supreme Court precedent for cases of medical negligence, and that the prosecution was motivated by his vocal criticism of the state's health department. He argued that the patient's death was due to natural causes and that the criminal complaint was a

retaliatory measure. The court considered these arguments alongside established legal principles regarding the prosecution of medical professionals, which emphasize the necessity of expert opinion to substantiate claims of gross criminal negligence before initiating legal action.

HELD The High Court held that if criminal proceedings are shown to have been lodged maliciously, the entire proceeding, including the FIR, can be quashed. The court reiterated that summoning an accused is a serious matter and criminal law cannot be set into motion as a matter of course.

“If, the malicious prosecution case is found and proved before the court and the court comes to the conclusion that the prosecution was malicious even the F.I.R can be quashed in light of the judgment of Hon’ble Supreme Court in the case of ‘ State of Haryana v. Bhajan Lal”, 1992 Supp (1) SCC 335.”

HIGH COURT OF JHARKHAND • 2022

SOURCE JHHC010251522021

20 Subhash Chand v. Nisha Dhanda

HIGH COURT OF PUNJAB AND HARYANA • 2025-05-27 • CRM-M/29570/2025

The petitioners sought to quash a criminal complaint and a subsequent summoning order for offences under Sections 380 and 120-B of the IPC, which relate to theft and criminal conspiracy. The respondent alleged that the petitioners had removed her jewellery items from the matrimonial home following matrimonial discord. The petitioners contended that the complaint was delayed, lacked evidence of entrustment, and was essentially a civil dispute given a criminal veneer. The High Court examined the allegations and noted that the trial court had applied its mind to the preliminary evidence before issuing the summons. Finding that a prima facie case existed and that the case did not meet the criteria for interference, the Court dismissed the petition.

HELD The High Court observed that the inherent power under Section 482 of CrPC for quashing should not be exercised for offences falling under heinous or prima facie established categories. Where a trial court has applied its mind to preliminary evidence, the High Court will not invoke its inherent jurisdiction if no abuse of process is shown.

“Hon'ble Supreme Court in State of Haryana vs Bhajan Lal's case (supra) has held that the High Court has inherent power under Section 482 Cr.P.C. for quashing the FIR, however, the same should not be exercised for the offence falling under the heinous categories... weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that case in hand fails to qualify for invoking the inherent jurisdiction”

HIGH COURT OF PUNJAB AND HARYANA • 2025

SOURCE PHHC010842032025

21 Hridaya Ranjan Prasad Verma v. State of Bihar

SUPREME COURT OF INDIA • 2000-03-31 • 2000 INSC 178

This case concerns the quashing of a criminal complaint alleging cheating and conspiracy. The appellants sold property to a cooperative society, but subsequent payment cheques from the society were dishonored, leading

to a criminal case by the appellants. In retaliation, the society filed a complaint alleging that the appellants failed to disclose a pending partition suit regarding the property. The Supreme Court held that the ingredients of the offence of cheating require a fraudulent or dishonest intention at the time of the initial transaction, which was not established here. Concluding that the criminal proceedings were an abuse of the court process initiated as a counter-blast to civil litigation, the court quashed the complaint.

HELD The Supreme Court held that a mere breach of contract cannot give rise to criminal prosecution for cheating unless a fraudulent or dishonest intention is shown right at the beginning of the transaction. Finding that the criminal proceedings were maliciously instituted as a counter-blast to avoid payment, the court quashed the complaint.

“Mere breach of contract cannot give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction, that is the time when the offence is said to have been committed. Therefore it is the intention which is the gist of the offence.”

SUPREME COURT OF INDIA • 2000

SOURCE ESCR010001882000

22 Dharampal v. State of Haryana

HIGH COURT OF PUNJAB AND HARYANA • 2010-04-20 • CRM-M/11127/2010

The petitioner sought a direction from the High Court under Section 482 of the Code of Criminal Procedure to compel the police to register an FIR against private respondents. The High Court dismissed the petition, ruling that it is not the appropriate forum for such grievances. Relying on Supreme Court precedents, the court held that the petitioner must first exhaust alternative remedies, such as approaching the Superintendent of Police or filing a complaint before the Illaqa Magistrate under Section 156(3) or Section 200 of the Cr.P.C. The court emphasized that it should not encourage the direct filing of petitions in high courts for the registration of FIRs when efficacious remedies exist at the magisterial level.

HELD The High Court ruled that it should discourage the practice of filing Section 482 or writ petitions to register an FIR when statutory alternative remedies exist. An aggrieved person must first approach police officers under Section 154(3) or Section 36 of CrPC, and then the Magistrate under Section 156(3) or Section 200.

“If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C.”

HIGH COURT OF PUNJAB AND HARYANA • 2010

SOURCE PHHC010182542010

23 Hasan Khan v. State of M.P.

HIGH COURT OF MADHYA PRADESH • 2021-03-16 • MCRC/148/2020

The petitioner, a government teacher, sought to quash an FIR registered against him under Sections 505(2) and 201 of the IPC, arguing that the proceedings were invalid for lack of prior sanction under Section 196 of the CrPC. The Court observed that the alleged offenses were committed on a Sunday when the petitioner was not discharging his official duties as a teacher. Applying established legal principles, the High Court held that the protection requiring prior sanction for public servants applies only to acts performed in connection with their official duties. Since the acts here were not tied to his professional capacity, no sanction was required. Consequently, the Court dismissed the petition, finding no grounds to quash the FIR.

HELD The High Court held that the inherent powers under Section 482 must be used sparingly and only in exceptional cases falling within the guidelines of *Bhajan Lal*. Since the petitioner's claim of requiring prior official sanction was inapplicable to acts done outside official duties, quashing was denied.

"The powers under Section 482 of Cr.P.C are inherent powers of the courts which are to be exercised with great caution and care. Every FIR is not required to be quashed under Section 482 of Cr.P.C but in exceptional cases which are falling under the ambit of guidelines issued by Hon'ble Apex Court in the case of *Bhajan Lal* (Supra) can be considered and quashed."

HIGH COURT OF MADHYA PRADESH • 2021

SOURCE MPH030001812020

24 *Lalu Yadav v. State of Uttar Pradesh*

SUPREME COURT OF INDIA • 2024-10-16 • 2024 INSC 782

The appellant sought to quash an FIR registered against him for alleged rape and causing miscarriage under a false promise of marriage. The investigation eventually dropped the charge regarding the miscarriage, and the court examined the nature of the relationship, which spanned five years. Finding that the complainant and the appellant had lived together as husband and wife, the Supreme Court held that the allegations did not prima facie establish that the sexual relationship was entered into under a misconception of fact or a false promise of marriage from the inception. Consequently, the court ruled that the FIR constituted an abuse of process and ordered it to be quashed.

HELD The Supreme Court held that where the allegations do not prima facie establish that consent was obtained under a misconception of fact from the inception, the offence of rape under a false promise of marriage is not disclosed. Allowing such proceedings to continue is an abuse of process, warranting quashing under the *Bhajan Lal* guidelines.

"In the facts and circumstances of the present case, it is difficult to sustain the charges levelled against the appellant who may have possibly, made a false promise of marriage to the complainant. It is, however, difficult to hold sexual intercourse in the course of a relationship which has continued for eight years, as "rape" especially in the face of the complainant's own allegation that they lived together as man and wife."

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010005682024

25 Yogesh M. Parab v. Mukund M. Goradia

BOMBAY HIGH COURT • 2010-01-25 • WP/2636/2009

The petitioners challenged an order issuing process against them for allegedly committing an offence under Section 211 of the Indian Penal Code, which pertains to making a false charge with the intent to injure. The petitioners argued that their complaint to the police did not constitute a 'criminal proceeding' within the meaning of the section, as that term requires a judicial proceeding. The court reviewed the legal distinction between false charges made to police versus those made in court, noting that cognizance of an offence under Section 211 of the IPC may be subject to limitations under the Code of Criminal Procedure when judicial proceedings are involved. The court ultimately examined whether the current complaint met the necessary legal thresholds for issuing process.

HELD The High Court examined Section 211 of the IPC, which punishes anyone who, with intent to cause injury, falsely charges another person with having committed an offence. The court discussed the legal distinction between false charges made to police versus those made in court, noting the procedural restrictions on taking cognizance under Section 195(1)(b) of the CrPC when a judicial proceeding is involved.

"False charge of offence made with intent to injure. -- Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both"

BOMBAY HIGH COURT • 2010

SOURCE HCBM010348012009

DISCLAIMER

This memorandum has been generated by Vitark AI on the basis of publicly available judgments and the question posed by the user. It is provided for research assistance only and does not constitute legal advice. All case citations, holdings, and quotations must be independently verified against the source judgment before being relied upon in any filing, opinion, or correspondence.