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MCRC-42131-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 22<sup>nd</sup> OF SEPTEMBER, 2025

MISC. CRIMINAL CASE No. 42131 of 2025

**ANAND SINGH LODHA**

*Versus*

**THE STATE OF MADHYA PRADESH AND OTHERS**

.....  
Appearance:

*Shri Rohit Bansal - Advocate for the applicant.*

*Shri Samar Ghuraiya - Public Prosecutor for the State.*

*Shri Vibhor Kumar Sahu - Advocate for the complainant.*

.....  
WITH

MISC. CRIMINAL CASE No. 6623 of 2025

**BRAJENDRA SHARMA**

*Versus*

**THE STATE OF MADHYA PRADESH AND OTHERS**

.....  
Appearance:

*Shri Siddharth Sijoria - Advocate for the applicant.*

*Shri Samar Ghuraiya - Public Prosecutor for the State.*

*Shri Vibhor Kumar Sahu - Advocate for the complainant.*

.....  
ORDER

The present applications have been filed by the applicants No.1 and 2, namely, Anand Singh Lodha and Brajendra Sharma under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS"), seeking quashment of FIR bearing Crime No.1002 of 2024, registered on 23.10.2024



at Police Station Cantt., District Guna. The FIR relates to alleged offences under Sections 376(2)(n) 376-D, 294 & 506 of IPC and Sections 3(2)(v), 3(1)(w)(ii), 3(1)(da), 3(1)(Tha) and 3(2)(va) of Scheduled Castes and Scheduled Tribes.C./S.T. Act and all subsequent proceedings arising therefrom.

The prosecution case, as emerging from the written complaint of the prosecutrix, is as follows:

The prosecutrix was running a mobile shop under the name “Nayara Mobile Shop” situated in front of the Girls Hostel on Ashoknagar Road. Due to this, she came into contact with Preeti Sharma, warden of the said hostel, and her husband, Brijendra Sharma (applicant No.2), who used to visit her shop for mobile recharge and other mobile accessories.

In February 2021, Preeti Sharma visited the prosecutrix’s shop for changing her mobile screen guard. On that day, the prosecutrix was menstruating. Preeti Sharma offered her sanitary pads available in the hostel and allowed her to use the hostel toilet. The prosecutrix incorrectly used the toilet without knowing that the toilet door was partially broken from below. After using it, the prosecutrix returned.

Subsequently, Brijendra Sharma (applicant No.2) came to her shop when she was alone and threatened her, stating that he had secretly taken her photographs and video while she was in the hostel toilet. He blackmailed her, saying that if she disclosed this to anyone, he would make those photos and videos viral. Thereafter, he continuously intimidated her.

In January 2022, Brijendra Sharma (applicant No.2) called the prosecutrix near Sharda School. From there, he forcibly took her to the house



of his associate, co-accused Arun, situated at Vidyanchal Colony behind Vandana School, Guna. At that place, Brijendra Sharma (applicant No.2) and Arun committed forcible sexual intercourse with her against her will. When she raised an alarm, they gagged her mouth. Thereafter, on several occasions, they repeatedly threatened the prosecutrix and, by exploiting her fear of defamation and of her photos/videos being circulated, forcibly took her to different places and committed rape upon her.

On 05.01.2023, Brajendra Sharma called her at his Vivek Colony's house where Anand Singh Lodha was also present, there all the three persons committed rape on her and she was frightened, she didn't tell about it to anyone, but when she asked the accused persons to delete the photographs and videos, they abused her in filthy caste-based language, threatened to kill her if she reported the matter, and continued to intimidate her. At that time, her husband was in jail in another case, due to which she was extremely frightened and refrained from making a complaint earlier.

When her husband came out of jail, finally, on 23.10.2024, overcoming fear, the prosecutrix approached Police Station Cantt, District Guna, along with her husband, and submitted a written complaint narrating the above facts. On the basis of her complaint, alleged crime was registered against the applicants and other co-accused.

### **ARGUMENTS**

Learned counsel for the applicants has submitted before this Court that the alleged incidents date back to February 2021 and March 2022. However, the prosecutrix remained completely silent until 23.10.2024, when FIR



No.1002/2024 was lodged. This inordinate and unexplained delay of more than two to three years creates serious doubt about the veracity of the prosecution story and points to an afterthought.

It is further submitted that the prosecutrix herself had earlier filed FIR No.260/2023 on 26.03.2023 against Applicant No.2 (Brijendra Sharma) under Sections 354, 354(Gha) of IPC and Sections 3(1)(w)(i), 3(2)(va) of the SC/ST Act. In that complaint, no allegations of repeated rape [376(2)(n)], gang rape (376-D), or involvement of Applicant No.1 (Anand Singh Lodha) were ever mentioned. These serious allegations surfaced only later in FIR No.1002/2024, thereby showing clear contradictions and embellishments.

It is further submitted that Applicant No.1, who is a reputed person, serving as President of the Press Club, Guna and Bureau Chief of Haribhoomi newspaper, met the complainant and her husband for the very first time on 30.06.2024 during a skating competition, where he was invited as Chief Guest. The allegations in FIR No.1002/2024 pertain to incidents of 2021–2022, when admittedly Applicant No.1 had no acquaintance with the complainant. Thus, the allegations against Applicant No.1 are false, fabricated, and chronologically impossible.

The implication of Anand Singh Lodha in the incident appears to be due to the fact that after coming to know of affidavits and complaints against the complainant and her husband in relation to child abuse, Applicant No.1 after due inquiry had published factual reports in his newspaper after due inquiry. This professional duty of reporting issues of public importance has been twisted into a false criminal allegation. The FIR was filed immediately



after Applicant No.1 published such reports against the complainant and her husband, clearly showing malafide intention and oblique motive.

The alleged incidents are of 2021, but the FIR has been filed only in October 2024, after a gap of almost three years, without any satisfactory explanation. This delay clearly indicates concoction and manipulation.

On 25.08.2024 just prior to lodging of the instant F.I.R., Applicant No.2 (Brijendra Sharma) had lodged FIR No.837/2024 against the complainant, her husband, and others under Section 384 of IPC regarding his blackmailing by the prosecutrix on the pretext of some obscene photographs and videos of her taken during video chat and extracting Rs.22,00,000/- from him. The photographs and the videos were got seized by the applicant Brajendra Sharma in the aforesaid F.I.R., which are being used by the prosecutrix in the present case. The present FIR dated 23.10.2024 was lodged immediately thereafter, clearly as a counterblast and tool of vendetta, which indicates malicious intent and oblique motive. The complainant alleges sexual assault in 2021–2022, but her own earlier FIR No.260/2023 makes no mention of such grave incidents. This contradiction makes the present FIR highly suspicious and an afterthought.

During investigation, the complainant submitted certain obscene fabricated/edited photographs allegedly depicting Applicant No.1. However, it is undisputed that Applicant No.1's left-hand index finger has been permanently damaged since 21.08.1999. In the fabricated photos, the index finger appears normal, thereby conclusively proving false implication.

Through RTI, it has been revealed that between 01.01.2022 and



04.11.2024, the prosecutrix filed several complaints and in none of these complaints was Applicant No.1 named or implicated. This further demonstrates that the later introduction of Applicant No.1's name in FIR No.1002/2024 is an afterthought.

The complainant and her husband themselves are involved in child trafficking and abuse cases, and FIR No.12/2022 under Sections 376(2)(n), 376-D, 376-DA IPC and Sections 5, 6 POCSO Act, as well as FIR No.454/2023 under Sections 448, 294, 506 IPC, stand registered against them. Their conduct reflects lack of clean hands and supports the defence that the present FIR is a weapon of harassment and a retaliatory measure to harass Applicant No.2 for initiating lawful action against them.

It is further submitted that the present case falls squarely within categories (a), (c), (e), and (g) enumerated in *State of Haryana v. Bhajan Lal* [AIR 1992 SC 604], as reaffirmed in *Vineet Kumar v. State of U.P.* [(2017) 13 SCC 369]. The FIR is manifestly attended with mala fide, instituted with an ulterior motive, and is a clear abuse of process of law, thus, the continuation of proceedings in FIR No.1002/2024 will only result in harassment, injustice, and irreparable injury to the applicants. In light of the above submissions, it is prayed that the impugned FIR and all consequential proceedings deserve to be quashed at the threshold.

*Per contra*, learned Public Prosecutor for the State as well as the counsel for the complainant had opposed the applications by submitting that FIR No.1002/2024, lodged by the prosecutrix discloses a prima facie case under Sections 376(2)(n), 376-D, 294, 506 IPC and Sections 3(1)(w)(ii),



3(2)(v), 3(1)(da), 3(1)(dha), 3(2)(va) of the SC/ST Act and the complaint narrates repeated acts of intimidation, threats, and sexual assault by the accused over a period of time, which cannot be ignored at the threshold. The delay in lodging the FIR is explained by the prosecutrix's fear, as her husband was in jail and she was threatened of making the photographs viral and harm, which is a recognized and a valid reason for delay in reporting sexual offences. The allegations against Applicant No.1, Anand Singh Lodha, though denied, require investigation, and his professional reputation or the timing of his first acquaintance with the complainant cannot be grounds for quashment.

It is further submitted that the FIR was not motivated by malice or counterblast. Alleged prior complaints, affidavits, or newspaper publications cannot negate the occurrence of the offences alleged, and investigation is necessary to determine the veracity of the allegations. RTI disclosures or the condition of Applicant No.1's finger cannot conclusively disprove the claims, as these matters require evidence collection and witness examination. Quashing the FIR at this stage would deny the prosecutrix her statutory rights and obstruct the course of justice. In view of the above, it is submitted that FIR No.1002/2024 and all consequential proceedings should not be quashed, and investigation should be allowed to continue to ascertain the truth and deliver justice.

### **DISCUSSION AND CONCLUSION**

After a comprehensive examination of the facts, legal arguments, and applicable precedents, this Court finds as follows:



The alleged incidents, as per the prosecutrix's complaint, dates back to February 2021 and March 2022. However, the FIR was lodged only on 23.10.2024, indicating a significant delay of over two years without a satisfactory explanation. Such an inordinate delay raises substantial doubts about the veracity of the allegations and suggests the possibility of an afterthought or concoction for the reason to follow.

The prosecutrix had previously filed one FIR No.260/2023 on 26.03.2023 against Applicant No.2, Brajendra Sharma, under Sections 354, 354(Gha) of the Indian Penal Code (IPC) and relevant provisions of the SC/ST Act. Notably, this earlier complaint did not mention any allegations of repeated rape [Section 376(2)(n)], gang rape (Section 376-D), and threatening nor showed any kind of involvement of Applicant No.1 (Anand Singh Lodha). The subsequent introduction of these serious allegations in FIR No. 1002/2024 indicates clear contradictions and embellishments, further undermining the credibility of the prosecution's case.

Statement of the prosecutrix under 354 proceedings recorded on 05.04.2024 in pursuance to the proceedings instituted on F.I.R. No.260 of 2023 is quoted hereinbelow:

*1-मैं जाटव जाति की हूं। मैं आरोपी को जानती हूं, जो शर्मा जाति का है। घटना दिनांक 15.01.2023 की शाम के 07:30 बजे की है। मैं अपनी दुकान को बंद करके पैदल घर जा रही थी तभी दशहरा मैदान के पास खाली जगह पर आरोपी ने मुझे रास्ता रोककर मेरा सीधा हाथ पकड़कर अपने पास खींचने की कोशिश की मैंने आरोपी को धक्का देकर अपने आप को छुड़ाया और आरोपी ने बोला कि*





मुझे बात करना है, मैंने बात करने से मना किया तो आरोपी मुझसे कहने लगा कि चमार, कोरियों की इतनी औकात हो गयी कि हमसे बात न करें। जब मैं वहां से जाने लगी तो आरोपी ने मुझे जान से मारने की धमकी दी।

2. मैंने पुलिस में प्र.पी.01 का आवेदन देकर घटना की शिकायत की थी. प्र.पी.1 के ए से ए भाग पर मेरे हस्ताक्षर हैं। पुलिस ने प्र.पी.01 के आवेदन पर से आरोपी के विरुद्ध अपराध पंजीबद्ध किया था प्रथम सूचना रिपोर्ट प्र.पी.2 है जिसके ए से ए भाग पर मेरे हस्ताक्षर हैं। पुलिस ने मेरी निशादेही पर घटना स्थल का नक्शा मौका प्र.पी.03 बनाया था जिसके ए से ए भाग पर मेरे हस्ताक्षर हैं। मैंने पुलिस को अपना जाति प्रमाण पत्र प्र.पी.4 दिया था जिसे पुलिस ने मुझसे. जस कर जसी पंचनामा प्र.पी.5 बनाया था जिसके ए से ए भाग पर मेरे हस्ताक्षर हैं। पुलिस ने न्यायालय में मेरे धारा 164 द.प्र.सं. के कथन कराये थे जो प्र.पी.6 है। पुलिस ने मुझसे पूछताछ कर मेरे कथन लिये थे। मैंने पुलिस को घटना बताई थी।

नोट- इसी स्टेज पर जी.पी. ने साक्षी को पक्ष विरोधी घोषित करके सूचक प्रश्न पूछने की अनुमति चाही जो प्रकरण के अवलोकन उपरान्त दी।

3- यह कहना सही है कि मैंने पुलिस को बताया था कि आरोपी ने मेरा हाथ बुरी नियत से पकड़ा था।

प्रतिपरीक्षण द्वारा श्री विशाल भार्गव अधिवक्ता वास्ते आरोपी

4- मैं वर्ष 2023 के बाद से स्पोर्ट टीचर का कार्य प्राईवेट स्कूल में कर रही हूं। उससे पहले मैं मोबाईल की दुकान चलाती थी।



मेरी मोबाईल की दुकान एच.एम.टी. शोरूम के पास गर्ल्स हॉस्टल के सामने कैंट में किराये से है। मुझे दुकान मालिक का पूरा नाम नहीं मालूम है। फिर कहा कि अधिनी चालें है। मेरी नौकरी लग गई थी इस कारण मैंने मोबाईल की दुकान बंद कर दी है और उक्त दुकान को खाली भी कर दिया है। मैंने उक्त मोबाईल की दुकान नौकरी लगने से पहले तीन वर्ष तक चलाई!

5- आरोपी मेरी दुकान पर ग्राहक के रूप में सामान लेने के लिये आते थे। मेरी दुकान पर मोबाईल की एसेसरी मिलती थी, मोबाईल नहीं मिलते थे। आरोपी की पत्नी भी कई बार सामान खरीदने आती थी इस कारण मैं उनसे परिचित थी। आरोपी के परिवार नै कौन कौन लोग है मैं नहीं जानती हूं। मुझे जानकारी नहीं है कि छात्रावास में कितनी छात्राएँ रहती थी। आरोपी की पत्नी हॉस्टल की वार्डन है।

6- मैं सुबह नौ से दस बजे के बीच में अपनी दुकान खोलती थी। मेरा घर गोपालपुरा कैंट में है। मुझे अपने घर से दुकान तक की दूरी नहीं मालूम है, मेरे घर से दुकान तक पैदल आने में 16 मिनिट लगते है। मैं अपनी दुकान पर आने के बाद शाम को 06, 07, 08 बजे जब भी दुकान बंद करती थी तब घर जाती थी। यह कहना सही है कि मेरी दुकान से घर जाने के कई रास्ते हैं। मुझे जानकारी नहीं है कि गोपालपुरा में कितने लोगों की वस्ती है। यह कहना सही है। कि गोपालपुरा घनी वस्ती है। मुझे जानकारी नहीं है कि गोपालपुरा 100 परिवारों की बस्ती है। यह कहना सही है कि गोपालपुरा में शासकीय मिडिल स्कूल है। गोपालपुरा में पुलिस कंट्रोल रूम एस.पी. ऑफिस से लगा हुआ है। शाम को 06 बजे के बाद उक्त रास्ता खाली हो जाता



हैं।

7- मेरे पति कोई कार्य नहीं करते हैं, वह विकलांग है। मैं एस.पी.ऑफिस के पास जो रास्ता कृषि मण्डी की तरफ जाता है उस रास्ते से मैं घटना को घर जा रही थी। उस रास्ते में मुझे मेरे परिचित कोई नहीं टकराये। स्वतः कहा कि रास्ता सुनसान था। यह कहना गलत है कि घटना स्थल के पास क्वाटर बने हुये हैं। घटना दिनांक को जब आरोपी ने मुझे परेशान किया था उस दिनांक को मुझे 20-25 मिनिट घर पहुंचने लगे थे। मेरे परिवार में मेरे पति, सास व मेरे तीन बच्चे हैं।

8- मैंने पुलिस आवेदन प्र.पी.1 पुलिस कथन प्र.डी.1. प्र.पी.0 में यह बता दिया था कि आरोपी ने दशहरा मैदान के पास खाली जगह पर आरोपी ने रास्ता रोककर सीधा हाथ पकड़कर अपने पास खींचने की कोशिश की एवं धक्का देकर अपने आप को छुड़ाया उक्त बात मैंने बता दी थी, परन्तु उक्त बात प्र.पी. 1. प्र.डी.1 व प्र.पी.6 में न लिखी हो तो कारण नहीं बता सकती हूं तथा मैंने पुलिस आवेदन प्र.पी.1. पुलिस कथन प्र.डी. 1. प्र.पी.6 में यह बता दिया था कि चमार कोरियों की इतनी औकात हो गयी कि वह हमसे बात न करें तथा जब मैं वहां से जाने लगी तो आरोपी ने मुझे जान से मारने की दी थी, परन्तु उक्त बात प्र.पी.1, प्र.डी.1 न प्र.पी.6 में न लिखी हो तो कारण नहीं बता सकती हूं।

9- मैंने प्र.पी.02 व प्र.पी.03 के ए से ए भाग पर थाने पर हस्ताक्षर किये थे। मैंने लगभग दो से तीन बार थाने पर गयी थी। यह कहना सही है कि मेरे पति पूर्व में आत्मरक्षा करना सिखाते थे अब नहीं सिखाते। मेरे पति ने वर्ष 2017 से आत्मरक्षा करना



सिखाना छोड़ दिया, उन्होंने 15 वर्ष के नीचे की उम्र के बच्चों को आत्मरक्षा करना सिखाते थे। मैं प्राइवेट में 3 से 15 साल तक के बच्चों की स्केटिंग सिखाने की क्लास लेती हूँ। मैं समर विकेशन में दो बार व बांकी समय मैं एक बार क्लास लेती हूँ। मैं प्रति बच्चे से 300 रुपये जार्न लेती हूँ। मेरे पास कम से कम 40 से 50 बच्चे स्केटिंग सीखने आते हैं। मेरे पति पूर्व से मेरे रिश्तेदार लगते हैं और मैं उन्हें पूर्व से जानती हूँ।

10- मैंने प्र.पी.01 का आवेदन थाने के बाहर टाईपिंग की दुकान से टाईप कराया था। यह कहना गलत है कि मैंने व मेरे पति ने आरोपी से पैसे उधार लिये थे। यह कहना गलत है कि मैंने और मेरे पति ने आरोपी के घर जाकर कई बार पैसे उधार लिये थे। घटना के समय मेरे पति जेल में थे। मेरे पति किस दिनांक को जेल से रिहा हुये वह तारीख मुझे याद नहीं है। स्वतः कहा कि जनवरी में जेल से रिहा हुये थे। मेरे द्वारा घटना का आवेदन दिनांक 24.03.2023 को कैट थाने में दिया था। ऐसा नहीं है कि मेरे द्वारा आवेदन दिनांक 24.03.2024 को पहले या बाद में दिया था। यह कहना गलत है कि आरोपी ने मेरा बुरी नियत से हाथ नहीं पकड़ा। मेरा पुलिस ने मेडीकल नहीं कराया था। एफ.आई.आर. के समय पर मेरे शरीर पर कोई चोट नहीं थी। जब आरोपी ने घटना के समय मेरा हाथ पकड़ा उस समय मेरा हाथ लाल हो गया था। यह कहना सही है कि घटना की तत्काल बाद रिपोर्ट नहीं लिखाई। स्वतः कहा कि मेरे पति जेल में थे और हम लोग परेशान थे इसलिये मैंने रिपोर्ट नहीं लिखाई। मैं अपने देवर के साथ रिपोर्ट लिखाने गई थी स्वतः कहा कि मेरे पति भी मेरे साथ विकलांग होने से वह चल नहीं सकती। यह कहना



गलत है कि मैं मेरे पति व मेरे देवर ने मिलकर आरोपी को फसाया  
है। यह कहना गलत है कि आरोपी से उधार लिये पैसे न देना पड़े  
इस कारण आरोपी के उपर झूठा अपराध पंजीबद्ध करा दिया है।

From the aforesaid, it is clear that nowhere the complaint had mentioned the present offence, which had allegedly taken prior to that incident.

Apart from that that the photographs appended with the case reflects that they had been taken while video chatting with someone, as in every photograph there is another window visible either blank or someone watching, which further goes to show that they were conscious and not deliberate.

Further, applicant No.1, Anand Singh Lodha, who is the President of the Press Club, Guna, and Bureau Chief of Haribhoomi newspaper had no prior acquaintance with the complainant or her husband as in none of the complaints prior meeting with him had been alleged, thus, it appears that their first meeting occurred on 30.06.2024 during a skating competition, where Applicant No.1 was invited as the Chief Guest. The alleged incidents pertains to year 2021–2022, a period when Applicant No.1 had no connection with the complainant, rendering the allegations against him chronologically implausible.

Applicant No.1's journalistic activities, including publishing factual reports about the complainant and her husband's involvement in child abuse cases, were misconstrued as defamatory actions. The complainant's lodging of FIR No. 1002/2024 immediately after these reports were published



suggests a retaliatory motive, indicating that the FIR was filed with malafide intent and ulterior motives.

During the investigation, the complainant submitted certain obscene photographs allegedly depicting Applicant No.1 with a normal hand; however, it is undisputed that Applicant No.1's left-hand index finger has been permanently damaged since 21.08.1999. In the alleged obscene photos, the index finger appears normal, conclusively proving the false implication of Applicant No.1. The same is evident from concession certificate issued by the Orthopedic Specialist, District Hospital, Ujjain.

Through Right to Information (RTI) inquiries, it was revealed that between 01.01.2022 and 04.11.2024, the complainant filed several complaints, but none of which named or implicated Applicant No.1. This further demonstrates that the introduction of Applicant No. 1's name in FIR No. 1002/2024 is an afterthought, lacking any prior basis.

Here the previous conduct of the complainant and her husband is also required to be seen.

The complainant and her husband have been implicated in serious criminal activities, including child trafficking and abuse. FIR No. 12/2022 under Sections 376(2)(n), 376-D, 376-DA, and Sections 5, 6 of the Protection of Children from Sexual Offences (POCSO) Act, along with FIR No. 454/2023 under Sections 448, 294, and 506 of the IPC, have been registered against them and their associates. Their involvement in such activities reflects a lack of clean hands and supports the defense that the present FIR is a weapon of harassment and a retaliatory measure to harass



Applicant No.2 for initiating action against them.

The sequence of events, including the filing of counter FIRs and the applicants' journalistic activities, suggests that the present FIR was filed as a counterblast and tool of vendetta, indicating malicious intent and oblique motive, the continuation of proceedings in FIR No. 1002/2024 would amount to an abuse of the process of law, subjecting the applicants to harassment and irreparable injury.

The present case squarely falls within the categories (a), (c), (e), and (g) laid down in *State of Haryana v. Bhajan Lal* (AIR 1992 SC 604) and reaffirmed in *Vineet Kumar v. State of U.P.* ((2017) 13 SCC 369). These decisions affirm the High Court's authority to quash FIRs and criminal proceedings in cases where the allegations are found to be manifestly false or where the continuation of proceedings would amount to an abuse of the process of law.

In the case of *Mahmood Ali and others Vs. State of U.P. and others* passed on 08.08.2023 in Criminal Appeal No.2341/2023, the Hon'ble Apex Court has observed that:

*"12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or*



*vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of*





*investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."*

In the aforesaid judgment, it was observed that when an accused approaches the High Court, invoking either the inherent power under Section 482 Cr.P.C. or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, try to read in between the lines.

Considering in the totality the facts and circumstances of the case and in view of the law laid down by the Hon'ble Apex Court in the cases of Bhajanlal (*supra*) and Mehmood Ali (*supra*), this Court, while exercising its inherent powers under Section 528 of the BNSS to prevent the abuse of the



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process of law and to secure the ends of justice, concludes that the applications under Section 528 of the BNSS filed by Applicants No.1 and 2 are **allowed**. FIR No.1002/2024 and all consequential proceedings are hereby **quashed**.

(MILIND RAMESH PHADKE)  
JUDGE

pwn\*