

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1478 OF 2025
(@ SPECIAL LEAVE PETITION (CRL.) NO. 12608/2023)

RAMCHANDRA & ORS.

APPELLANTS

VERSUS

THE STATE OF RAJASTHAN & ANR.

RESPONDENTS

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. The High Court has refused to quash the First Information Report (for short 'the FIR') in exercise of powers under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.').
4. It appears that Civil Suit No.63 of 2019 was pending between the parties. In the said suit, a written statement was filed by the appellants denying the existence of family settlement or signatures on it. On account of the aforesaid averments made therein which were alleged to be incorrect and false, an application under Section 156(3) of the Cr.P.C. was moved before the Court of Magistrate for registering an FIR. On the said

application, the Magistrate directed for the registration of the FIR and accordingly, FIR No.193 of 2021 came to be registered.

5. In the above circumstances, the appellants filed a petition for quashing of the aforesaid FIR alleging that allegations in the FIR do not constitute any offence. If any averment made in the written statement or the affidavit filed before the Civil Court is incorrect or false, it is for the Civil Court to decide the same or to take appropriate action in accordance with Section 340 of the Cr.P.C.

6. We are in agreement with the submission of learned counsel for the appellants. Whether a statement made in the written statement is incorrect or false has to be considered and decided by the trial Court itself upon the conclusion of the evidence, at the time of the final determination of the suit or if necessary in proceedings under Section 340 of the Cr.P.C. Unless the aforesaid exercise is completed, it is difficult to say that the averments made therein are false and constitutes an offence attracting penal action.

7. Accordingly, the FIR at this stage, before the conclusion of the trial is completely misconceived. Therefore, the impugned order dated 25.07.2023 passed by the High Court is set aside and the quash petition under Section 482 Cr.P.C. is allowed and the FIR NO.193 of 2021

stands quashed.

8. It is open for the respondent(s) to take other remedies, if any, available to him in law.

9. The appeal is allowed accordingly. Pending application(s), if any, shall stand disposed of.

.....J.
(PANKAJ MITHAL)

.....J.
(S.V.N. BHATTI)

NEW DELHI
25th MARCH, 2025
GA

ITEM NO.15

COURT NO.15

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 12608/2023

[Arising out of impugned final judgment and order dated 25-07-2023 in SBCRMP No. 4461/2021 passed by the High Court of Judicature for Rajasthan at Jodhpur]

RAMCHANDRA & ORS.

PETITIONER(S)

VERSUS

THE STATE OF RAJASTHAN & ANR.

RESPONDENT(S)

Date : 25-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) :Mr. Gaurav Kumar, Adv.
Mr. Rajat Kumar, Adv.
Mr. Naman Sherstra, Adv.
Mr. Devesh Kumar, Adv.
Mr. Vinod Sharma, AOR

For Respondent(s) :Mr.Nishanth Patil, AOR
Mr.Anil Kumar, Adv.
Mr. Ravi Bhushan, Adv.

Mr. H. D. Thanvi, Adv.
Mr. Nikhil Kumar Singh, Adv.
Mr. Achal Singh Bule, Adv.
Mr. Rishi Matoliya, AOR

UPON hearing the counsel the court made the following
O R D E R

1. Leave granted.
 2. The appeal is allowed in terms of the signed order.
- Pending application(s), if any, shall stand disposed of.

(Nidhi Mathur)

Court Master (NSH)

(Geeta Ahuja)

Assistant Registrar-cum-PS

(Signed Order is placed on the file)