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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANDEEP N. BHATT

ON THE 29th OF APRIL, 2026MISC. CRIMINAL CASE No. 18258 of 2026*HEMRAJ TAILOR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Sandeep Kumar Sen - Advocate for the petitioner. (Through V.C.)

Shri Sunit Kapoor - Govt. Advocate for the respondent/State.

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ORDER

The present petition u/S 528 of BNSS, 2023 is filed seeking quashment of Criminal Proceedings arising out of SC ATR No. 183/2025 pending before the Special Judge(SC/ST)Act pursuant to the final report filed in Crime No. 481/2023 registered at P.S. Jeerapur Distt. Rajgarh for offences punishable u/Ss 3/5 of M.P. Freedom of Religion Act, 2021 and Section 506/34 of IPC.

2. Learned counsel for the petitioner submits that the role of the present petitioner as per the chargesheet is to the extent that he has motivated the husband of the complainant to convert his religion to muslim by adopting the muslim religion. It is submitted that except the mere allegation, there is no material to connect the petitioner with the crime in question. No direct role is attributable to the present petitioner in conversion of anyone to any religion, more particularly, the complainant and her minor son. He further



submits that the ingredients of the FIR whereby the allegations levelled against the present petitioner *prima-facie* are not satisfied from the material available on record and such sections are falsely invoked in the present FIR, without sufficient material available with the investigation agency. Now the chargesheet is filed and from the entire material, there is no substance in the allegations made in the FIR.

3. Learned counsel for the petitioner has relied on the judgment of *Indian Oil Corporation V. NEPC India Limited and Others* reported in (2006)6 SCC 736 and also the judgment of *G. Sagar Suri V. State of U.P.* reported in (2000) 2 SCC 636 to contend that the Court has to exercise its jurisdiction u/S 482 of Cr.P.C. towards complaint and criminal proceedings has been succinctly summarized by this Court in view of above judgment. He further submits that the present petition is required to be considered and I.A. No. 5311/2026, an application for stay is also required to be considered by issuing notice to the other side and considering the application for stay, appropriate order may be passed.

4. Learned counsel for the State opposed the prayer for quashment of proceedings and has drawn the attention of this Court to various material, more particularly towards the statement of Prince - son of the complainant which is recorded on 18.12.2023 and the statement of complainant and other material available on record.

5. Learned counsel for the State submits that pursuant to the allegations in the FIR, now the investigation is complete and chargesheet is filed where the present petitioner has also been named. There is sufficient



material available on record which constitute the offence as alleged in the FIR. During investigation, statements of various witnesses, more particularly the statement of the minor son of the complainant, which corroborates the allegations made in the FIR and clearly indicates the role of the present petitioner played in the entire incident. He further submits that all these questions are the subject-matter of trial and, therefore, no interference is required at this stage for exercising inherent powers u/S 528 of BNSS, 2023 and prays for dismissal of the petition.

6. I have considered the material available on record and also the arguments advanced by the respective parties.

7. Section 528 of the BNSS, 2023 is reproduced below:

"528. Saving of inherent powers of High Court - 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."

8. The sections which are invoked in the present FIR are Section 3/5 of M.P. Freedom of Religion Act, 2021 and Section 506/34 of IPC. The said sections are also reproduced for convenience and ready reference:

3. Prohibition of unlawful conversions from one religion to other religion.

(1) No person shall,-

(a) convert or attempt to convert, either directly or otherwise, any other person by use of misrepresentation, allurement, use of threat or force, undue influence, coercion or marriage or by any other fraudulent means;

(b) abet or conspire such conversion.

(2) Any conversion in contravention of provision of this section shall be deemed null and void

4. xxxxxxxx



5. Whoever contravene the provisions of Section 3 shall be punished with imprisonment for a term, which shall not be less than one year but which may extend to five years and shall also be liable to fine which shall not be less than Rupees Twenty Five Thousand:

Section 506 - Punishment for criminal intimidation- Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both;

Section 34 - Acts done by several persons in furtherance of common intention- When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone

9. There is no dispute about the propositions of law which are tried to be relied upon by the counsel for the petitioner.

10. Considering the other judgments, more particularly, the judgment passed by the Apex Court in the case of *Neeharika Infrastructure Vs State of Maharashtra* reported in 2021 SCC Online SC 315, I am of the view that there is *prima-facie* material available on the record which clearly implicates the present petitioner in the offence in question. The statement of Prince - the minor son of the complainant which clearly implicates the petitioner in the offence in question. His role is specifically stated by the minor son of the complainant as well as by the complainant herself. Looking to the seriousness of the allegations made in the petition regarding pressurizing the wife and son by the husband for conversion at the behest of present petitioner and on careful perusal of the material available on record, I am satisfied that continuation of proceedings pursuant to the FIR against the present petitioner cannot be considered as abuse of process of law or miscarriage of justice for the reason that after investigation, chargesheet is filed against the present petitioner on the basis of material on record.



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11. Considering all these aspects, the question which is now raised by the petitioner by way of the instant petition is required to be tested at the time of trial by leading cogent and convincing evidence, which will be considered by the trial Court, after prosecution adduce evidence and petitioner being accused has opportunity to examine and cross-examine the prosecution witness, but it cannot be said that process of law is misused.

12. In view of the above, no case is made out for exercise of the inherent powers u/S 528 for consideration of quashing the proceedings pending before the Special Judge(SC/ST)Act arising out of FIR bearing Crime No. 481/2023.

13. Consequently, the present petition being meritless, is hereby dismissed.

I.A. No. 5311/2026 also stands disposed off.

(SANDEEP N. BHATT)
JUDGE

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