



REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CRL.) NO.2939 OF 2026)

██████████ ... APPELLANT(S)

VERSUS

**STATE OF UTTAR PRADESH
AND ANOTHER ... RESPONDENT(S)**

J U D G M E N T

AUGUSTINE GEORGE MASIH, J.

1. Leave granted.
2. This appeal, by special leave, is directed against the final judgment and order dated 12.12.2025 passed by the High Court of Judicature at Allahabad (hereinafter referred to as the “High Court”) in Application under Section 482 Cr.P.C. No. 23788 of 2018, whereby the High Court declined to quash the Chargesheet dated 15.07.2017 as well as the

entire criminal proceedings of Case No. 147 of 2018 (State v. ██████ arising out of Case Crime No. 227 of 2016, registered under Sections 498-A, 304-B of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, 1961, at Police Station Inchauli, District Meerut, pending before the Court of the Chief Judicial Magistrate, Meerut (hereinafter referred to as the “trial court”).

3. The marriage between the appellant ██████ and ██████l, daughter of Respondent No. 2 ██████complainant), was solemnised on 21.04.2014 at Garden City, Mawana. On 13.06.2016, Respondent No. 2 lodged First Information Report No. 227 of 2016 at Police Station Inchauli, District Meerut, alleging that the appellant and his family members namely, his mother ██████ father ██████ sister ██████ his father's brother ██████, and ██████ had subjected his daughter ██████deceased) to cruelty and harassment for dowry, particularly for a Tata Safari motor car, and

that on account of non-fulfilment of the said demand, the deceased was done to death by hanging on 13.06.2016.

4. On the same date, an inquest (Panchayatnama) was conducted, during which it was recorded that the room in which the deceased was found hanging, as also the main entrance of the house, were found locked from inside, and had to be broken open by the police in the presence of the Tehsildar. The post-mortem examination conducted on 14.06.2016 recorded the cause of death as asphyxia as a result of ante-mortem hanging, with a ligature mark of 26 cm x 20 cm around the neck.
5. The appellant, a member of the Border Security Force (BSF), was on the relevant date posted on the Indo-Bangladesh border. A certificate dated 03.10.2016 issued by the DC/ADJT for the Commandant, 141 Battalion, BSF, records that the appellant was detained on Dak-runner duty to carry official

documents from Frontier Headquarters, BSF, Meghalaya (Shillong) to New Delhi with effect from 27.05.2016 to 22.06.2016, and that he proceeded from Shillong to New Delhi on 14.06.2016 and remained stationed at Delhi until 19.06.2016.

6. The appellant's earlier application under Section 482 Cr.P.C. (Criminal Misc. Writ Petition No. 24082 of 2016) came to be disposed of on 24.11.2016, protecting him from arrest till submission of the police report under Section 173(2) Cr.P.C. Thereafter, Charge-sheet No. 09A/16 was submitted on 15.07.2017 under Sections 498-A, 304-B IPC and Sections 3/4 of the Dowry Prohibition Act against the appellant.
7. The appellant thereafter filed Criminal Misc. Application No. 23788 of 2018 under Section 482 Cr.P.C. before the High Court, seeking quashing of the chargesheet dated 15.07.2017 and the entire proceedings of Criminal Case No. 147 of 2018 (State v. Rahul). The High

Court, vide order dated 20.07.2018, stayed further proceedings pending disposal of the application.

8. In the meanwhile, the trial against the appellant's parents, Ramnath and Sheela, proceeded independently before the Court of the Additional Sessions Judge/Fast Track Court No. 1, Meerut, in Sessions Trial No. 653 of 2017, on charges under Sections 498-A, 304-B IPC (in the alternative, Section 302 read with Section 34 IPC) and Sections 3/4 of the Dowry Prohibition Act, arising out of the very same F.I.R. No. 227 of 2016. Vide judgment dated 17.10.2025, the court acquitted them after a full-fledged trial, holding that the prosecution had failed to establish allegations of cruelty, dowry demand or homicidal involvement beyond reasonable doubt.
9. Notwithstanding the acquittal of the co-accused and the official documents relied upon by the appellant, the High Court vide the impugned judgment dated 12.12.2025,

dismissed the appellant's application under Section 482 Cr.P.C., placing reliance upon the decision of this Court in ***Rajendra Singh v. State of U.P. and Another***¹ that the plea of alibi raised by the appellant was a question of fact requiring proof at trial, that no finding on alibi could be recorded for the first time in a petition under Section 482 Cr.P.C., and that whether the death was homicidal or suicidal, and whether the appellant was present at the place of occurrence, were disputed questions of fact not amenable to adjudication in the exercise of inherent jurisdiction.

10. Aggrieved, the appellant approached this Court by way of the present appeal. Vide order dated 27.02.2026, notice was issued and, having regard to the order dated 17.10.2025 acquitting the appellant's parents and the certificate dated 03.10.2016 issued by the Commandant, 141 BN BSF, this Court directed that no coercive action be taken against the appellant and stayed further

¹ (2007) 7 SCC 378

proceedings in F.I.R./Crime No. 227 of 2016.

11. The learned counsel for the appellant submits that the impugned judgment dated 12.12.2025 is erroneous inasmuch as it fails to accord due weight to the appellant's plea, which rests not on a bare denial but on official documentary evidence. The F.I.R. itself is founded on general, omnibus and unsubstantiated allegations of dowry demand, without any cogent evidence specifically attributable to the appellant. The Inquest Report/ Panchayatnama dated 13.06.2016, prepared in the presence of independent panchas, records that both the main gate and the room in which the deceased was found were locked from inside and had to be broken open which is *prima facie* inconsistent with the prosecution's theory of a dowry death caused by the family members acting in concert. The Post-Mortem Report dated 14.06.2016 records the cause of death as asphyxia due to ante-mortem hanging with a single ligature mark and no other ante-mortem injury indicative of

homicidal violence, restraint or struggle, consistent with the appellant's consistent stand that the deceased died by suicide. The appellant's absence is corroborated by the certificate dated 03.10.2016 issued by the Commandant, 141 Battalion, BSF showing that he was detailed for Dak-runner duty from Frontier Headquarters, BSF, Meghalaya (Shillong) to Delhi for the period 27.05.2016 to 22.06.2016, remained at Shillong throughout that period, and proceeded to Delhi only on 14.06.2016 i.e., a day after the incident, remaining stationed there until 19.06.2016. It was further submitted that the appellant's parents stand acquitted by judgment dated 17.10.2025, the trial court having held that the prosecution utterly failed to prove cruelty or harassment for dowry beyond reasonable doubt, which order erodes the very substratum of the prosecution case.

12. The learned counsel further submits that the High Court erred in treating the appellant's defence as an ordinary disputed plea of alibi

necessarily requiring trial, without appreciating the distinction between (i) a factual defence of alibi requiring evidentiary appreciation, and (ii) a threshold legal challenge founded on admitted, unimpeachable official material which ex facie demolishes the prosecution case, relying on ***Harshendra Kumar D. v. Rebatilata Koley and Others***², and on ***State of Haryana and Others v. Bhajan Lal and Others***³, ***Yin Cheng Hsiung v. Essem Chemical Industries***⁴ and ***Mohd. Akram Siddiqui v. State of Bihar and Another***⁵.

13. Further, learned counsel submits that the case of ***Rajendra Singh (supra)*** as relied upon by the High Court, is distinguishable on facts, since the alibi in that case rested on affidavits filed for the first time before the High Court, whereas here the defence rests on an official, contemporaneous BSF service record whose

² (2011) 3 SCC 351

³ 1992 Supp (1) SCC 335

⁴ (2011) 15 SCC 207

⁵ (2019) 13 SCC 350

authenticity has never been questioned by the respondents at any stage. Continuation of proceedings in the teeth of this impeccable material and the acquittal of the co-accused parents was submitted to fall within the ***Bhajan Lal (supra)*** categories and to amount to an abuse of process, and, the appellant having no criminal antecedents, to occasion a violation of Articles 14 and 21 of the Constitution.

14. The learned counsel for Respondent No. 1 (State of U.P.), opposes the petition principally on the ground that a plea of alibi is a matter of evidence, the burden of establishing which lies squarely on the appellant. Further submits that the post-mortem report dated 14.06.2016 records the cause of death as asphyxia due to ante-mortem hanging, with a ligature mark of 26 cm x 20 cm and other associated findings, as reaffirmed by the doctor who conducted the post-mortem. Except for the certificate dated 03.10.2016 and certain affidavits, the appellant has failed to place on record any

cogent or independent corroborative material such as travel records, tickets, movement orders, leave records or transportation details to conclusively establish that he could not have left his place of posting and travelled to Delhi during the relevant period, and that a bare certificate, unsupported by such material, cannot be given evidentiary weight at this stage. Reliance was placed on Sections 11 and 103 of the Indian Evidence Act, 1872 (corresponding to Sections 9 and 105 of the Bharatiya Sakshya Adhiniyam, 2023), and on ***Shaikh Sattar v. State of Maharashtra***⁶, for the proposition that a plea of alibi must be proved with absolute certainty so as to completely exclude the possibility of the accused's presence at the relevant time and place, as also on ***Rajendra Singh (supra)*** for the proposition that no finding on a plea of alibi can be recorded by a court for the first time in a petition under Section 482 Cr.P.C., the burden being dischargeable only by leading

⁶ (2010) 8 SCC 430

evidence at trial and not through affidavits or documents filed before the Court. On this basis, it was submitted that the appellant has failed to make out any exceptional case warranting interference, and that the petition deserves to be dismissed.

15. The learned counsel for Respondent No. 2 (complainant) submits that the chargesheet has been filed after due investigation and cites as many as 17 witnesses, whose veracity, credibility and evidentiary value can only be tested through examination and cross-examination at a full-fledged trial, and cannot be pre-judged or short-circuited at the threshold. The appellant's plea of absence is, in substance, a plea of alibi within the meaning of the exception under Section 11 of the Indian Evidence Act, 1872, the burden of proving which lies on the appellant. Mere production of a movement order or duty certificate without the same being proved and tested through evidence at trial, cannot discharge this burden or be appreciated at the stage of a quashing

petition and that whether the duty in fact covered the precise date, time and place of occurrence, and conclusively excluded the appellant's presence, are matters requiring appreciation of evidence and are within the exclusive domain of the trial court.

16. Having heard the submissions made by all the parties the following questions fall for our consideration: (i) whether the High Court was justified in declining to examine, at the threshold, the effect of the official service certificate establishing the appellant's absence from the place of occurrence; (ii) whether the acquittal of the co-accused appellant's parents, on an identical set of allegations and evidence arising from the very same F.I.R., has a material bearing on the continuation of proceedings against the appellant; and (iii) whether, on a cumulative reading of the record, the continuation of criminal proceedings against the appellant amounts to an abuse of the process of the court, warranting exercise of jurisdiction under

Article 136 read with the principles governing Section 482 Cr.P.C.

17. The contours of the power to quash an F.I.R. or criminal proceedings are well settled. In ***Bhajan Lal (supra)*** case, this Court, while cautioning that the power under Section 482 Cr.P.C. is to be exercised sparingly and in the rarest of rare cases, laid down illustrative categories in which such power may be exercised. The relevant categories as relied upon in the present case are as follows:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in

their entirety do not prima facie constitute any offence or make out a case against the accused.

xxx xxx xxx

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

xxx xxx xxx

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

18. The power is undoubtedly to be exercised sparingly, with circumspection, and never to throttle a legitimate prosecution or to conduct a mini trial at the threshold. These self-imposed restraints, however, do not require the court to shut its eyes to a proceeding that is a manifest abuse. Where mala fide or an

oblique motive is alleged, the court is not confined to the four corners of the complaint. In ***Mahmood Ali and Others v. State of Uttar Pradesh and Others***⁷ this Court held that in such a situation the court owes a duty to examine the complaint with care and a little more closely, and, where necessary, to read in between the lines.

19. In ***Rajiv Thapar and Others v. Madan Lal Kapoor***⁸, this Court laid down a 4-step test to determine if criminal proceedings can be quashed on the basis of defense material/official records prior to trial:

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

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

30.2. *Step two: whether the material relied upon by the accused would rule out the*

⁷ (2023) 15 SCC 488

⁸ (2013) 3 SCC 330

assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

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

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

30.5. *If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused.”*

20. The first circumstance which assumes considerable significance is the medical evidence.

21. The post-mortem report unequivocally records

that the deceased died due to "asphyxia as a result of ante-mortem hanging." Apart from the ligature mark around the neck, no other ante-mortem injuries were found on the body. The medical officer did not notice abrasions, contusions, nail marks, defensive wounds or any injury suggestive of resistance, restraint or physical assault.

22. Medical evidence undoubtedly does not by itself determine whether death is suicidal or homicidal. Nevertheless, where the prosecution alleges homicidal violence involving several accused acting in concert, the complete absence of injuries ordinarily expected in a struggle assumes considerable evidentiary significance.
23. Equally significant is the contemporaneous inquest report. The Panchayatnama prepared immediately after the occurrence records that both the main entrance of the house and the room where the deceased was found hanging

and were locked from inside and had to be opened from outside.

24. An inquest report is not substantive evidence regarding guilt. Nevertheless, being a contemporaneous official record prepared immediately after the occurrence constitutes an important surrounding circumstance. The prosecution has offered no satisfactory explanation as to how, if the deceased had been murdered by the accused persons and thereafter hanged, the room and even the main gate came to be found bolted from inside. This circumstance assumes even greater importance when read conjointly with the medical evidence.
25. The third circumstance relates to the appellant's official service records. The appellant has relied upon a certificate issued by the Commandant, 141 Battalion, Border Security Force certifying that he had been detailed for official duty during the relevant

period and was stationed in connection with official assignments outside Meerut.

26. The certificate dated 03.10.2016 ascertains that appellant remained present at Ftr HQ BSF Meghalaya (Shillong) except on 14.06.2016 i.e., a day after the incident and remained in Delhi up to 19.06.2016. The relevant extract is as follows:

“2. Further above individual was detailed for Dak runner duty to carry official documents from Ftr HQ BSF Meghalaya (Shillong) to Delhi we.f. 27.05.16 to 22.06.2016. As ascertained from Ftr HQ Meghalaya, he was remained present at Ftr HQ BSF Meghalaya (Shillong) except on following dates:

- | | |
|---|--|
| <p><i>a) 14.06.2016 at 0530 hrs
vide Ftr HQ Megh GD No.
162</i></p> | <p><i>- Individual proceeded to
FHQ BSF New Delhi
from Ftr HQ BSF Megh
(Shillong) and remained
stayed at Delhi up to
19.06.16.</i></p> |
| <p><i>b) 20.06.2016 at 1210 hrs
vide Ftr HQ Megh GD
No.237</i></p> | <p><i>- Individual returned
from FHQ BSF New
Delhi to Ftr HQ BSF
Megh (Shillong) and
remain stayed at
Shillong</i></p> |

*Place: Dhanakgre (Meghalaya) sd/-
Dated the 3, Oct. 2016 (ARBIND KUMAR) DC/ADJT
FOR COMMANDANT
141 BN BSF”*

27. This Court in ***Prashant Bharti v. State (NCT of Delhi)***⁹, while applying ***Rajiv Thapar (supra)*** case held that where defence material of sterling and unimpeachable quality is placed on record, and such material completely demolishes the prosecution case, the High Court would be justified in quashing the proceedings even at the pre-trial stage, since no purpose is served in allowing a prosecution to continue when the material produced convincingly demonstrates that the allegations are patently false. The Court further proceeded to hold that to permit the prosecution to proceed further in such circumstances would itself be an abuse of the process of the court.
28. In ***Harshendra Kumar (surpa)***, this Court reiterated that while exercising jurisdiction under Section 482 Cr.P.C., the High Court can look into material that has a bearing on the question whether continuance of the criminal proceedings would amount to an abuse of the

⁹ (2013) 9 SCC 293

process of court, and that if, on the face of documents which are beyond suspicion or doubt, no case is made out against the accused, the High Court would be justified in exercising its jurisdiction to quash the proceedings.

29. In ***Mirza Iqbal alias Golu and Another v. State of Uttar Pradesh and Another***¹⁰, this Court considered the quashing of proceedings where the accused's official duty record demonstrated his absence from the place of occurrence.
30. This Court is mindful of the statement of law in ***Rajendra Singh (supra)*** that the burden of proving a plea of alibi lies upon the accused and is ordinarily to be discharged by leading evidence at trial, and that a finding on alibi cannot be recorded by the High Court for the first time in a petition under Section 482 Cr.P.C. on the strength of affidavits of interested persons which the prosecution has

¹⁰ (2022) 16 SCC 697

had no opportunity to test by cross-examination.

31. However, that principle, was applied to a case where the material relied upon consisted of affidavits sworn by private individuals before the police, whose veracity was inherently open to challenge and required cross-examination. It cannot be read as laying down an inflexible rule that no species of documentary material touching upon presence or absence of the accused may ever be looked into at the threshold, irrespective of its source, character, and the absence of any dispute as to its authenticity. Where the material in question is an official record maintained in the ordinary course of duty by a wing of the Armed Forces of the Union, is placed on record from the earliest stage of investigation itself, and has never been impugned as forged, fabricated, or otherwise unreliable by the prosecution at any stage including before the IO, who himself acknowledged that evidence emerged that appellant was on his duty at the time of the

incident such material partakes of the character of unimpeachable material contemplated in ***Prashant Bharti (supra)*** and ***Harshendra Kumar (supra)***, and calls for consideration even at the threshold. To hold otherwise would be to elevate procedural formalism over substantial justice and to compel an undeniably absent accused to undergo the ordeal of a full sessions trial notwithstanding admitted and unimpeachable proof to the contrary.

32. The offence under Section 304-B IPC requires the prosecution to establish, *inter alia*, that the deceased was subjected to cruelty or harassment by her husband or his relatives for, or in connection with, a demand for dowry, "soon before" her death. It is true, as urged on behalf of the respondents, that physical presence at the precise moment of death is not, by itself, an ingredient of the offence, and that cruelty or harassment "soon before" death may be established through conduct, including telephonic threats occurring even while the

accused is stationed elsewhere. The appellant's absence from place of occurrence on date of incident does not, therefore, by itself, exonerate him of the charge. However, no call-detail records were ever obtained to independently verify, establish or assert, even this solitary telephonic thread that said to connect the appellant to the alleged demand.

33. The fourth and last circumstance relates to the effect of acquittal of appellant's parents. An order of acquittal of co-accused, rendered on an identical body of evidence, does not automatically bind or exonerate a differently situated co-accused whose case may rest on distinct material. That principle, however, presupposes that the case of the co-accused sought to be proceeded against is, in fact, distinguishable on the evidence. Here, no such distinguishing evidence exists. The evidence relied upon by the prosecution against the appellant is not merely similar to, but is the very same evidence that was found insufficient, on trial, to sustain a conviction of

his parents and the solitary additional element said to distinguish the appellant's role *viz*, the telephonic demand attributed to him alone stands substantially neutralised by the complete absence of any call-detail record to verify even that solitary allegation and by the unimpeached and, indeed, prosecution-corroborated proof of his absence from the State at the relevant time.

34. In these circumstances, continuing a full sessions trial against the appellant alone, while his co-accused stand acquitted on the self-same evidence, would not further the cause of justice but would subject the appellant to the ordeal and stigma of a criminal trial whose substratum has already collapsed. The High Court, in the impugned judgment, proceeded on the premise that the appellant's reliance on the service certificate was a bare plea of alibi of the kind considered in ***Rajendra Singh (supra)***, and declined to examine corroborating circumstances. This, in the considered view of this Court, constituted a

failure to appreciate unimpeachable material bearing directly on the question of abuse of process, and calls for interference.

35. In light of the foregoing facts and circumstances, and the analysis of the legal precedents referred to above, this Court is of the view that the four-steps as laid down in the case of ***Rajiv Thapar (supra)*** are satisfied in the present case. The service certificate is not disputed as a document, its issuing authority is not questioned, nor are its contents disputed. Where the unimpeached documentary record and the result of a connected trial on identical evidence, taken together, demonstrate that the continuation of the prosecution against the appellant would be a legal exercise in futility, the High Court, and now this Court, would be failing in their duty if they permitted the criminal process to continue merely because a technical *prima facie* case can be spelt out from the bare averments of the F.I.R. The categories identified in ***Bhajan Lal (supra)*** are

illustrative and not exhaustive, and the present case falls squarely within the rationale of categories 1, 3 and 6 concerning inherent improbability of the allegations and abuse of the process of the court.

36. For the foregoing reasons, this Court is satisfied that the continuation of criminal proceedings against the appellant amounts to an abuse of the process of the court and requires to be quashed *qua* the appellant alone.
37. Accordingly, the appeal is allowed. The impugned judgment and order dated 12.12.2025 passed by the High Court of Judicature at Allahabad in Application under Section 482 Cr.P.C. No. 23788 of 2018 is set aside. F.I.R./Case Crime No. 227 of 2016 registered at Police Station Inchauli, District Meerut, together with Charge-sheet No. 09A/16 dated 15.07.2017 and all consequent proceedings in Criminal Case No. 147 of 2018 (State v. Rahul) pending before the Court of the

Chief Judicial Magistrate, Meerut, are hereby quashed insofar as they concern the appellant.

38. For the avoidance of doubt, it is clarified that this order does not, in any manner, disturb the judgment dated 17.10.2025 passed by the Additional Sessions Judge/Fast Track Court No. 1, Meerut in Sessions Trial No. 653 of 2017, nor does it affect the status or rights of any other person.
39. Pending interlocutory applications, if any, stand disposed of.

.....J.
[SANJAY KAROL]

.....J.
[AUGUSTINE GEORGE MASIH]

**NEW DELHI;
AUGUST 11, 2026.**