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WP-19700-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 24th OF JUNE, 2025WRIT PETITION No. 19700 of 2025*YADVENDRA PANDEY**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Sanjeev Kumar Singh - Advocate for the petitioner.**Shri Swapnil Ganguly - Dy. AG for the respondents / State.*
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ORDER

The present petition under Article 226 of the Constitution of India has been filed by the petitioner seeking quashment of FIR dated 13.5.2025 registered against him in Crime No.61/2025 at Police Station Singhpur, District Shahdol (MP) for offence under Sections 352, 197 and 162 of BNS, 2023.

2. Briefly stated, the facts giving rise to the present petition are that respondent no. 7 along with his supporters submitted a written complaint in the police station against the petitioner alleging therein that the petitioner has posted ludicrous photos and made viral a video in his Facebook account saying that Hon'ble Prime Minister under the pressure of the Pakistan has withdrawn the attack / War over the Pakistan. It is next alleged that the the petitioner has also used scurrilous language against the Indian Arms Forces. The written complaint of Respondent No. 7 led to the registration of FIR against the petitioner for the aforesaid offence.



3. Being aggrieved by the registration of the F.I.R. the petitioner has filed the present petition, asserting that the F.I.R. is an abuse of the process of law. It is apparent from the bare reading of the F.I.R. that the basic ingredients of the offences, as alleged in the F.I.R., are not made out against the petitioner. The petitioner is a reputed citizen of the society and he belongs to the member of Indian National Congress Party and earlier the petitioner was holding the post of Working District President of the Shahdol and now the petitioner is working as a General Secretary (Kishan Congress) of the State of Madhya Pradesh and presently the petitioner is holding the post of the Up-Sarpanch Gram Panchayat Singhpur. The petitioner has not ever posted any alleged video / photographs in his Facebook account. Private respondent and his companions who are having political enmity to the petitioner, have created pressure upon the respondent no. 5 and the respondent no.6 for registering an FIR against the petitioner because the petitioner had earlier made complaints against them regarding the forgery committed by one Amrendra Tiwari, Shiv Narayan Dwivedi, and Amrish Shrivastava in the Maa Kali Mandir Singhpur and in this regard the petitioner has made complaint to the respondent no.6 on 28-04-2023, 14-10-2023 and 17-03-2025. As the petitioner is active member of the Congress Party whereas the complainant and his companions are the supporters of the ruling party i.e. Bharatiya Janta Party (BJP). It is contended that the petitioner has not uploaded and posted any video in his Facebook account nor uttered any single word disparaging the Indian Army. There is no intention and motive of the petitioner to damage the reputation of the country in any manner. The



impugned FIR registered against the petitioner is totally politically motivated. Although there is no *prima facie* evidence against the petitioner for committing aforesaid offence. Respondent no.7 being supporter of the ruling party (BJP) is having personal grudge and political enmity to the petitioner because he has made several complaints against respondent no. 7 and his companions before the competent authority in way back and due to which they are having personal and political enmity to the petitioner and due to which they have created political pressure upon respondent no.4 to 6 to lodge a report against the petitioner and under the pressure of ruling party member/leaders, the respondent no.6 has registered the impugned FIR against the petitioner without investigating and ascertaining the actual truth into the matter and without understanding the gross subterfuge of respondent no. 7. He prayed for dismissal of the petition.

4. *Per contra*, learned counsel for the State has vehemently opposed the contentions stating that there are sufficient material available in the FIR so as to suggest that the petitioner is *prima facie* involved in the alleged offence. It is also brought to the notice of this Court that the investigation in the matter is pending. The policy authority is having right to investigate the matter and in case, they do not find any material against the petitioner, then closure report can be filed in the matter. The petitioner is already on bail granted by the trial Court. It is argued that until and unless investigation is completed, no direction for quashment of FIR can be issued in view of the judgment passed by the Supreme Court in the case of *Neeharika Infrastructure (P) Ltd. vs State of Maharashtra* reported in (2021) 19 SCC



401. It is also brought to the notice of this Court that a Co-ordinate Bench of this Court (Gwalior Bench) in the similar circumstances has passed a detailed order being WP No.12471/2025 vide order dated 15.5.2025. Hence, no interference is required in the matter.

5. Heard the learned counsels for the parties and perused the material available on record.

6. An FIR has been registered against the petitioner and the petitioner being an accused is seeking fair and impartial investigation as well as quashing of the FIR, in which, the investigation is still going on.

7. The law with respect to quashment of an FIR is settled by the Hon'ble Supreme Court in large number of cases. The Hon'ble Supreme Court in a landmark judgment in the case of **State of Haryana vs Bhajanlal** reported in 1992 Supp (1) SCC 335 has laid down certain guidelines which were subsequently reiterated by the Hon'ble Supreme Court in a judgment passed in the case of **Neeharika Infrastructure (P) Ltd. vs State of Maharashtra** reported in (2021) 19 SCC 401 especially in paragraph 33, certain guidelines have been framed by the Hon'ble Supreme Court which read as follows :

33. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or “no coercive steps to be adopted”, during the pendency of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or “no coercive steps to be adopted” during the investigation or till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1. Police has the statutory right and duty under the relevant



provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence.

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the “rarest of rare cases” (not to be confused with the formation in the context of death penalty).

33.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

33.6. Criminal proceedings ought not to be scuttled at the initial stage.

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere.

33.9. The functions of the judiciary and the police are complementary, not overlapping.

33.10. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.

33.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

33.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13. The power under Section 482CrPC 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.

33.14. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in R.P. Kapur [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] and Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426], has the jurisdiction to quash the FIR/complaint.

33.15. When a prayer for quashing the FIR is made by the alleged



accused and the court when it exercises the power under Section 482CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

33.16. The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438CrPC before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India.

33.17. Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482CrPC and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

33.18. Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

8 . The Supreme Court in the case of **Munshiram v. State of Rajasthan**, reported in (2018) 5 SCC 678 has held as under :

10. Having heard the learned counsel for both the parties and perusing the material available on record we are of the opinion that the High Court has prematurely quashed the FIR without proper investigation being conducted by the police. Further, it is no more res integra that Section 482 CrPC has to be utilised cautiously while quashing the FIR. This Court in a



catena of cases has quashed FIR only after it comes to a conclusion that continuing investigation in such cases would only amount to abuse of the process.

9. The Supreme Court in the case of **Teeja Devi v. State of Rajasthan** reported in (2014) 15 SCC 221 has held as under :

5. It has been rightly submitted by the learned counsel for the appellant that ordinarily power under Section 482 CrPC should not be used to quash an FIR because that amounts to interfering with the statutory power of the police to investigate a cognizable offence in accordance with the provisions of CrPC. As per law settled by a catena of judgments, if the allegations made in the FIR prima facie disclose a cognizable offence, interference with the investigation is not proper and it can be done only in the rarest of rare cases where the court is satisfied that the prosecution is malicious and vexatious.

10. The Supreme Court in the case of **State of Orissa v. Ujjal Kumar Burdhan**, reported in (2012) 4 SCC 547 has held as under :

9. In State of W.B. v. Swapan Kumar Guha, emphasising that the Court will not normally interfere with an investigation and will permit the inquiry into the alleged offence, to be completed, this Court highlighted the necessity of a proper investigation observing thus: (SCC pp. 597-98, paras 65-66)

“65. ... An investigation is carried on for the purpose of gathering necessary materials for establishing and proving an offence which is disclosed. When an offence is disclosed, a proper investigation in the interests of justice becomes necessary to collect materials for establishing the offence, and for bringing the offender to book. In the absence of a proper investigation in a case where an offence is disclosed, the offender may succeed in escaping from the consequences and the offender may go unpunished to the detriment of the cause of justice and the society at large. Justice requires that a person who commits an offence has to be brought to book and must be punished for the same. If the court interferes with the proper investigation in a case where an offence has been disclosed, the offence will go unpunished to the serious detriment of the welfare of the society and the cause of the justice suffers. It is on the basis of this principle that the court normally does not interfere with the investigation of a case where an offence has been disclosed. ...

66. Whether an offence has been disclosed or not must necessarily depend on the facts and circumstances of each particular case. ... If on a consideration of the relevant materials, the court is satisfied that an offence is disclosed, the court will normally not interfere with the investigation into the offence and will generally allow the investigation into the offence to be completed for collecting materials for proving the offence.”

(emphasis supplied)

10. On a similar issue under consideration, in Jeffrey J. Diermeier v. State of W.B., while explaining the scope and ambit of the inherent powers of the High Court under Section 482 of the Code, one of us (D.K. Jain, J.) speaking



for the Bench, has observed as follows: (SCC p. 251, para 20)

“20. ... The section itself envisages three circumstances under which the inherent jurisdiction may be exercised, namely, (i) to give effect to an order under the Code; (ii) to prevent abuse of the process of court; and (iii) to otherwise secure the ends of justice. Nevertheless, it is neither possible nor desirable to lay down any inflexible rule which would govern the exercise of inherent jurisdiction of the court. Undoubtedly, the power possessed by the High Court under the said provision is very wide but it is not unlimited. It has to be exercised sparingly, carefully and cautiously, ex debito justitiae to do real and substantial justice for which alone the court exists. It needs little emphasis that the inherent jurisdiction does not confer an arbitrary power on the High Court to act according to whim or caprice. The power exists to prevent abuse of authority and not to produce injustice.”

11. The Supreme Court in the case of **State of Tamil Nadu Vs. S. Martin & Ors.** reported in (2018) 5 SCC 718 has held as under:-

"7. In our view the assessment made by the High Court at a stage when the investigation was yet to be completed, is completely incorrect and uncalled for....."

12. In view of the aforesaid judgments, the Hon'ble Supreme Court has clarified that when a prayer for quashment of the FIR is made by the alleged accused and the Court when it exercises powers under Section 482 of CrPC / 226 of the Constitution, it has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The Court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the Court has to permit the investigating agency/police to investigate the allegations in the FIR.

13. After going through the guidelines framed by the Hon'ble Supreme Court in **Neeharika Infrastructure (supra)** it is apparently clear that there is a very limited scope of interference in a petition seeking quashment of the FIR. The High Court should be vigilant and should interfere in rare of rarest cases where prima facie looking to the FIR no offence is made out against the concern, but in the present case, there is sufficient material



collected by the prosecution against the petitioner. Furthermore, the investigation in the matter is still pending.

14. Under these circumstances, there cannot be any quashment of FIR and criminal proceedings against the petitioner. The grounds which are being raised are all matter of evidence that is to be establish before the trial Court. At this stage, it cannot be concluded that the allegations made in the complaint/FIR have a truth of ring or not or whether ingredients of the offences alleged are made out or not.

15. It is settled position of law that the High Court cannot embark upon appreciation of evidence and cannot undertake a detailed examination of the facts contained in the FIR by acting as an appellate court and draw its own conclusion. Under these circumstances, this Court is of considered opinion that no case is made out warranting interference as the investigation is pending in the matter.

16. The petition *sans* merit and is accordingly dismissed. No order as to costs. Consequently, IA No.9865/2025 for urgent hearing during vacation stands disposed of.

(VISHAL MISHRA)
JUDGE