

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr. MMO No. 746 of 2026****Reserved on: 09.09.2026****Date of Decision: 16.09.2026****Ashok Arya****...Petitioner****Versus****State of Himachal Pradesh and others****...Respondents*****Coram******Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ Yes*****For the petitioner : Mr Ashok Kumar Tyagi, Advocate.****For the Respondents : Mr Jitender K. Sharma, Additional Advocate General No.1 to 3.****Mr Desh Raj Thakur, Senior Advocate, with M/s Anmol Sharma and Munish Kumar, Advocate, for Respondent No.4.*****Rakesh Kainthla, Judge***

The present petition has been filed under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for quashing of quashing of F.I.R. No. 22 of 2021, dated 02.09.2021, registered at Women Police Station Nahan, District Sirmour, H.P. for the commission of offences punishable under Sections

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

498-A, 406, and 506 of India Penal Code (IPC) and the consequential proceedings arising out of it.

2. Briefly stated, the facts giving rise to the present case are that the informant/victim made a complaint to the police that she was married to the petitioner on 08.01.2017, as per Hindu rites and customs in Akhileshwar Mahadev Shiv Temple, Shivpuri Road, Housing Board Colony, Nahan, District Sirmour, H.P. The informant and the petitioner were earlier married. The informant has one daughter named Shree, and the petitioner has one daughter named Nikki Faguni from their previous marriages. The informant and the petitioner met each other on a matrimonial site in 2015. The informant was taken to her matrimonial home after her marriage, and she resided with the petitioner and his family members for about 2 months. She was not permitted to meet any person during this period. The informant's sister-in-law, Kirti, used to visit the informant's matrimonial home. The informant tried to contact the petitioner's earlier wife. The petitioner and his family members threatened the informant that she would be thrown out of her matrimonial home if she enquired about the petitioner's past life. The informant found that the name of the petitioner's

earlier wife was recorded in the service book. She requested the petitioner to get her name entered in the service book, but the petitioner prevaricated. The informant became pregnant. She was served milk and Kesar; however, something was mixed into the milk, and the informant's child could not grow. She had to abort the child. The petitioner used to tell the people that he was engaged to the informant. The differences between the parties grew when the petitioner did not get the informant's name recorded in the service book. She also made complaints to the Air Force Wives Welfare Association (AFWWA), but to no avail. The informant made the complaint to the women police station and had also filed a complaint under the Protection of Women from Domestic Violence Act, but she was forced to compromise the matter. The relationship between the parties normalised, but the petitioner and his family members started threatening the informant. The Stridhan given to the informant was also retained by the petitioner and his family members. Hence, the matter was reported to the police. The police registered the FIR and investigated the matter. The police found sufficient reasons to file the charge-sheet before the Court and filed a charge-

sheet against the petitioner for the commission of offences punishable under Section 498-A, 406 and 506 of the IPC.

3. Being aggrieved by the registration of FIR and filing of the charge-sheet before the Court, the petitioner has filed the present petition asserting that there is no proof of the valid marriage between the parties and no cognisance of the commission of an offence punishable under Section 498-A of the IPC can be taken in the absence of a valid marriage. The informant had denied the marriage between her and the petitioner in the proceedings under Section 127 of the Code of Criminal Procedure (CrPC). No specific allegation was made against the petitioner, and the cognisance could not have been taken based on the vague allegation. No marriage had taken place between the parties, and there was no question of delivering Stridhan to the petitioner or his family members. The continuation of the proceedings amounts to an abuse of the process of the Court. The allegations in the FIR are false and do not constitute the commission of any cognizable offence. Therefore, it was prayed that the present petition be allowed and the FIR and consequential proceedings arising out of it be quashed.

4. The petition is opposed by respondent nos. 1 to 3 by filing a reply reproducing the contents of the FIR. It was asserted that the Investigating Officer found that the marriage ceremony had taken place between the informant and the petitioner on 08.01.2017; the petitioner and the informant resided as husband and wife at different places; the petitioner subjected the informant to mental and physical cruelty and retained her jewellery, gifts and household articles and did not return them despite repeated requests. The matter is pending before the learned Chief Judicial Magistrate, Sirmour, at Nahan, H.P. The marriage between the informant and her previous husband was validly dissolved, and the informant was competent to marry any person. Therefore, it was prayed that the present petition be dismissed.

5. A separate reply was filed by respondent no. 4, the informant, making preliminary submission regarding lack of maintainability. It was asserted that the allegations in the FIR disclosed the commission of a cognisable offence. The police collected marriage certificate/registration certificate, photographs of marriage and the other relevant documents which, prima facie, show that marriage between the parties had

taken place. The petitioner himself had filed a petition under Section 12 of the Hindu Marriage Act and a civil suit to seek a declaration that marriage between the petitioner and the informant was null and void. The allegations in the FIR constitute the commission of a cognisable offence. Therefore, it was prayed that the present petition be dismissed.

6. A rejoinder denying the contents of the reply and affirming those of the petition was filed.

7. I have heard Mr Ashok Kumar Tyagi, learned counsel for the petitioner, Mr Jitender Sharma, learned Additional Advocate General, for the respondents no.1 to 3/State and Mr Desh Raj Thakur, learned Senior Advocate, assisted by M/s Anmol Sharma and Munish Kumar, learned counsel for respondent No.4.

8. Mr Ashok Kumar Tyagi, learned counsel for the petitioner, submitted that no valid marriage had taken place between the petitioner and the informant and no proceedings for the commission of offence punishable under Section 498-A of IPC can be initiated in the absence of valid marriage. The allegations in the FIR are vague and general in nature, and no

cognisance could have been taken based on such vague allegations. Therefore, he prayed that the present petition be allowed and the FIR and consequential proceedings arising out of the FIR be quashed. He relied upon the following judgments in support of his submissions: -

- *P.Shivkumar and others vs. State, 2023 SCC OnLine SC1737;*
- *Digambar and another vs. State of Maharashtra and another 2024: SCC OnLine SC 2836; and*
- *Meenki Devi vs. State of H.P. a/w connected matter: 2026: HHC6*

9. Mr Jitender Sharma, learned Additional Advocate General for the respondent no. 1 to 3/State, submitted that the police investigated the matter and found sufficient material to file the charge sheet before the Court. Learned trial Court is seized of the matter, and this Court should not exercise the extraordinary jurisdiction vested in this Court. Hence, he prayed that the present petition be dismissed.

10. Mr Desh Raj Thakur, learned Senior Advocate, for the respondent no.4/informant submitted that the proceedings under Section 498-A of the IPC can be initiated when the person has feigned to be the husband of the woman and a valid

marriage between the parties is not necessary. The police found sufficient material to file the charge sheet before the Court. The petitioner himself filed various petitions seeking the invalidity of the marriage, which shows that there existed a marriage between the parties. The present petition involves the adjudication of disputed facts, and this Court should not exercise its extraordinary jurisdiction to adjudicate the disputed facts. Hence, he prayed that the present petition be dismissed. He relied upon the following judgments in support of his submissions:

- *Reema Aggarwal vs. Anupam and others (Cri) 699: 2004 SCC OnLine SC45;*
- *A. Subhash Babu vs. State of Andhra Pradesh and another 2011 (7) SCC 616;*
- *Rajinder Singh vs. State of Punjab; 2015 (6) SCC 477 and*
- *Dr Lokesh BH & others vs. State of Karnataka and another; 2026 SCC OnLine SC 1470*

11. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

12. The law relating to quashing of criminal cases was explained by the Hon'ble Supreme Court in *B.N. John v. State of U.P.*, 2025 SCC OnLine SC 7 as under: -

“7. As far as the quashing of criminal cases is concerned, it is now more or less well settled as regards the principles to be applied by the court. In this regard, one may refer to the decision of this Court in *State of Haryana v. Ch. Bhajan Lal*, 1992 Supp (1) SCC 335, wherein this Court has summarised some of the principles under which FIR/complaints/criminal cases could be quashed in the following words:

“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 give 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.*

(2) *Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a*

cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(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.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(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 a private and personal grudge.” *(emphasis added)*

8. Of the aforesaid criteria, clause nos. (1), (4) and (6) would be of relevance to us in this case.

In clause (1), it has been mentioned that 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, then the FIR or the complaint can be quashed.

As per clause (4), where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order dated by the Magistrate as contemplated under Section 155 (2) of the CrPC, and in such a situation, the FIR can be quashed.

Similarly, as provided under clause (6), if there is an express legal bar engrafted in any of the provisions of the CrPC or the concerned Act under which the criminal proceedings are instituted, such proceedings can be quashed.”

13. This position was reiterated in *Ajay Malik v. State of Uttarakhand*, 2025 SCC OnLine SC 185, wherein it was observed:

“8. It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

9. It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby pre-

emptying the Prosecution from building its case before the Trial Court. The grounds for quashing, *inter alia*, contemplate the following situations: (i) the criminal complaint has been filed with *mala fides*; (ii) the FIR represents an abuse of the legal process; (iii) no *prima facie* offence is made out; (iv) the dispute is civil in nature; (v) the complaint contains vague and omnibus allegations; and (vi) the parties are willing to settle and compound the dispute amicably (*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335)

14. The present petition is to be decided as per the parameters laid down by the Hon'ble Supreme Court.

15. It was laid down by the Hon'ble Supreme Court in *Reema Aggarwal* (supra) that the term 'husband' in Section 498-A of IPC cannot be given a restricted meaning and would also cover a person who enters into a marital relationship and subjects the woman to cruelty, under a proclaimed or feigned status of the husband. It was observed: -

18. The concept of "dowry" is intermittently linked with a marriage and the provisions of the Dowry Act apply in relation to marriages. If the legality of the marriage itself is an issue, further legalistic problems do arise. If the validity of the marriage itself is under legal scrutiny, the demand of dowry in respect of an invalid marriage would be legally not recognisable. Even then, the purpose for which Sections 498-A and 304-B IPC and Section 113-B of the Indian Evidence Act, 1872 (for short "the Evidence Act") were introduced, cannot be lost sight of. Legislation enacted with some policy to curb and alleviate some public evil rampant in society and effectuate a definite public purpose or benefit positively requires to be

interpreted with a certain element of realism too and not merely pedantically or hypertechnically. The obvious objective was to prevent harassment of a woman who enters into a marital relationship with a person and later on becomes a victim of the greed for money. Can a person who enters into a marital arrangement be allowed to take shelter behind a smokescreen to contend that since there was no valid marriage, the question of dowry does not arise? Such legalistic niceties would destroy the purpose of the provisions. Such a hairsplitting legalistic approach would encourage harassment of a woman over demand of money. The nomenclature “dowry” does not have any magic charm written over it. It is just a label given to a demand for money in relation to a marital relationship. The legislative intent is clear from the fact that it is not only the husband but also his relations who are covered by Section 498-A. The legislature has taken care of children born from invalid marriages. Section 16 of the Marriage Act deals with the legitimacy of children of void and voidable marriages. Can it be said that the legislature, which was conscious of the social stigma attached to children of void and voidable marriages, closed its eyes to the plight of a woman who, unknowingly or unconscious of the legal consequences, entered into the marital relationship? If such a restricted meaning is given, it would not further the legislative intent. On the contrary, it would be against the concern shown by the legislature for avoiding harassment to a woman over demand of money in relation to marriages. The first exception to Section 494 also has some relevance. According to it, the offence of bigamy will not apply to “any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction”. It would be appropriate to construe the expression “husband” to cover a person who enters into a marital relationship and, under the colour of such proclaimed or feigned status of husband, subjects the woman concerned to cruelty or coerces her in any manner or for any of the purposes enumerated in the relevant provisions — Sections 304-

B/498-A, whatever be the legitimacy of the marriage itself for the limited purpose of Sections 498-A and 304-B IPC. Such an interpretation, known and recognised as purposive construction, has to come into play in a case of this nature. The absence of a definition of “husband” to specifically include such persons who contract marriages ostensibly and cohabit with such woman, in the purported exercise of their role and status as “husband” is no ground to exclude them from the purview of Section 304-B or 498-A IPC, viewed in the context of the very object and aim of the legislations introducing those provisions.

16. This position was reiterated in *A. Subash Babu* (supra), wherein it was observed: -

53. This Court finds that the High Court has quashed the proceedings pending before the learned Magistrate under Section 498-A IPC on the spacious ground that the marriage of the appellant with Respondent 2 is void and as Respondent 2 is not the wife, she was not entitled to lodge the first information report with the police for commission of offence under Section 498-A IPC and on the basis of the police report, cognisance of the said offence against the appellant could not have been taken by the learned Magistrate. Such reasoning is quite contrary to the law declared by this Court in *Reema Aggarwal v. Anupam* [(2004) 3 SCC 199; 2004 SCC (Cri) 699].

54. After examining the scope of Section 498-A of the Penal Code and holding that a person who enters into marital arrangement cannot be allowed to take shelter behind the smokescreen of contention that since there was no valid marriage the question of dowry does not arise, ...

55. In view of the firm and clear law laid down on the subject, this Court is of the confirmed view that the High

Court was not justified at all in quashing the proceedings initiated against the appellant under Section 498-A of the Penal Code on the ground that Respondent 2 was not “wife” within the meaning of Section 498-A IPC and was not entitled to maintain a complaint under the said provision. The question therefore which arises for consideration of the Court is whether the said finding recorded by the High Court can and should be set aside in the present appeal which is filed by the husband.

17. A similar view was taken in *Lokesh B.H.* (supra), wherein it was observed: -

7.1. This Court in *Reema Aggarwal v. Anupam* (2004) 3 SCC 199: 2004 SCC (Cri) 699, took the view that Section 498A had to be interpreted purposively. The Court asked the exact question which arises in this case. Can a person, be it a living male partner or his relatives, be allowed to hide behind the smokescreen of the relationship between the parties not being a *valid marriage*, if they are meting out cruelty to the female partner?.....

7.2. The observations in *Reema Aggarwal* supra were quoted with approval by a bench of three judges in *Rajinder Singh v. State of Punjab* (2015) 6 SCC 477: (2015) 3 SCC (Cri) 225.

18. A heavy reliance was placed upon *Shivcharan Lal Verma* (supra); however, this judgment was held to be not a binding precedent in *Dr Lokesh B.H.* (supra), wherein it was observed:

7.3. Coming to *Shivcharan Lal Verma v. State of M.P.* (2007) 15 SCC 369 : (2010) 3 SCC (Cri) 729 (Three-Judge Bench), we find that it is an order passed by a Bench of three judges.

The case essentials involved Section 306, which is not relevant for our purposes, and the question of 498A was decided totally on the facts of the case; it does not constitute a binding precedent, more so when *Reema Agarwal* supra stands affirmed by a three-judge bench in *Rajinder Singh* supra.

19. Hence, the judgment of *P. Sivakumar* (supra), which had relied upon *Shivcharan Lal Verma* (supra), cannot be followed as per the judgment of Hon'ble Supreme Court in *Dr Lokesh B.H.* (supra), and the submission that the existence of valid marriage is necessary before invoking the provision of Section 498-A of IPC cannot be accepted.

20. In any case, there is, *prima facie*, sufficient material on record to demonstrate that a marriage between the parties had taken place. This is apparent from the reply to the letter annexed to the charge-sheet addressed to Mrs Dhanoa, AFWWA (Central), New Delhi, in which it is stated in para 6 that the ceremony was forced upon the petitioner and it was not done with his consent. The petitioner has also filed a petition before the learned Family Court, Jhansi, asserting that the photographs of the petitioner and the informant were taken by administering some intoxicating substance. He had also filed a civil suit for declaration before the learned Senior Civil Judge, Sirmour at

Nahan, stating that liquor was administered to him and he was taken to Housing Board Colony, where some POOJA was performed. The photographs of the marriage ceremony have also been placed on record. Therefore, it cannot be said that no marriage was solemnised between the petitioner and the informant.

21. A heavy reliance was placed upon the admission made by the informant in the proceedings under Section 127 of the CrPC in which she denied her marriage with the petitioner. This admission will not falsify the other evidence on record and cannot be used to hold that no marriage had taken place between the parties.

22. It was specifically asserted in the FIR that the petitioner had refused to get the informant's name entered in the service book and when she insisted upon recording her name in the service book, she was beaten and harassed. It was also stated that the milk laced with some substance was administered to the informant, due to which her fetus could not grow and she had to abort. The petitioner had retained stridhan including the jewellery and other articles and had not returned

them despite repeated demands. These allegations were found to be correct by the police after the investigations. The allegations are specific, and it cannot be said that the averments in the F.I.R. do not contain vague allegations upon which no action can be taken; hence, the judgment in *Digambar* (supra) does not apply to the present case.

23. It was submitted that the allegations in the FIR are false and were made to harass the petitioner. This submission will not help the petitioner. It was laid down by the Hon'ble Supreme Court in *Punit Beriwalla v. State (NCT of Delhi)*, 2025 SCC OnLine SC 983, that the Court exercising the inherent jurisdiction has to treat the allegations in the FIR as correct. It was observed:

-

“29. It is settled law that the power of quashing a complaint/FIR should be exercised sparingly with circumspection, and while exercising this power, the Court must believe the averments and allegations in the complaint to be true and correct. It has been repeatedly held that, save in exceptional cases where non-interference would result in a miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences. Extraordinary and inherent powers of the Court should not be used routinely according to its whims or caprice.”

24. It was laid down by the Hon'ble Supreme Court in *Maneesha Yadav v. State of U.P.*, 2024 SCC OnLine SC 643, that the Court cannot conduct a mini-trial to determine the genuineness of the allegations. It was observed: -

“13. As has already been observed hereinabove, the Court would not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of quashing of the proceedings under Section 482 Cr. P.C. However, the allegations made in the FIR/complaint, if taken at their face value, must disclose the commission of an offence and make out a case against the accused. At the cost of repetition, in the present case, the allegations made in the FIR/complaint, even if taken at their face value, do not disclose the commission of an offence or make out a case against the accused. We are of the considered view that the present case would fall under Category-3 of the categories enumerated by this Court in the case of *Bhajan Lal (supra)*.

14. We may gainfully refer to the observations of this Court in the case of *Anand Kumar Mohatta v. State (NCT of Delhi), Department of Home* (2019) 11 SCC 706: 2018 INSC 1060:

“14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge sheet is filed, the petition for quashing of the FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in *Joseph Salvaraj A. v. State of Gujarat* [*Joseph Salvaraj A. v. State of Gujarat*, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23]. In *Joseph Salvaraj A. v. State of Gujarat*, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23, this Court, while deciding the question of whether the High Court could entertain the Section 482 petition for quashing of FIR when the

charge-sheet was filed by the police during the pendency of the Section 482 petition, observed: (SCC p. 63, para 16)

“16. Thus, the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge sheet had been filed, the learned Single Judge [*Joseph Saivaraj A. v. State of Gujarat*, 2007 SCC OnLine Guj 365] could have still examined whether the offences alleged to have been committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not.”

25. It was laid down by the Hon’ble Supreme Court in *Dharambeer Kumar Singh v. State of Jharkhand*, (2025) 1 SCC 392: 2024 SCC OnLine SC 1894 that the Court cannot conduct a mini-trial while exercising jurisdiction under Section 482 of CrPC. It was observed at page 397:

“17. This Court, in a series of judgments, has held that while exercising inherent jurisdiction under Section 482 of the Criminal Procedure Code, 1973, the High Court is not supposed to hold a mini-trial. A profitable reference can be made to the judgment in *CBI v. Aryan Singh* [*CBI v. Aryan Singh*, (2023) 18 SCC 399: 2023 SCC OnLine SC 379]. The relevant paragraph from the judgment is extracted hereunder: (SCC paras 6-7)

6. ... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482CrPC, the Court is not required to conduct the mini-trial. ...

7. ... At the stage of discharge and/or while exercising the powers under Section 482CrPC, the Court has very

limited jurisdiction and is required to consider 'whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not'.

26. Therefore, it is not permissible to carry out a mini trial at this stage to determine the truthfulness or otherwise of the F.I.R.

27. It is undisputed that the charge sheet has been filed before the learned trial Court and the learned trial Court is seized of the matter. It was laid down by the Hon'ble Supreme Court in *Iqbal v. State of U.P.*, (2023) 8 SCC 734: 2023 SCC OnLine SC 949 that when the charge sheet has been filed, the learned Trial Court should be left to appreciate the same. It was observed:

“At the same time, we also take notice of the fact that the investigation has been completed and the charge-sheet is ready to be filed. Although the allegations levelled in the FIR do not inspire any confidence, particularly in the absence of any specific date, time, etc. of the alleged offences, we are of the view that the appellants should prefer a discharge application before the trial court under Section 227 of the Code of Criminal Procedure (CrPC). We say so because even according to the State, the investigation is over and the charge sheet is ready to be filed before the competent court. In such circumstances, the trial court should be allowed to look into the materials which the investigating officer might have collected forming part of the charge sheet. If any such discharge application is filed, the trial court shall look into the materials and take a call whether any case for discharge is made out or not.”

28. No other point was urged.

29. In view of the above, the present petition fails, and the same is dismissed, so also the pending applications, if any.

30. The observation made hereinabove shall remain confined to the disposal of the petition and will have no bearing, whatsoever, on the merits of the case.

(Rakesh Kainthla)
Judge

16th September, 2026
(Ravinder)