

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA***Cr. MMO No. 989 of 2024******Reserved on: 06.07.2026******Date of Decision: 16.07.2026.***

Ajay Kumar & others**...Petitioners****Versus****State of H.P. & another****...Respondents**

Coram***Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ No.*****For the Petitioner : Mr S.D. Gill, Advocate.****For Respondents : Mr Ajit Sharma, Deputy
Advocate General.**

Rakesh Kainthla, Judge

The petitioners have filed the present petition for quashing of the complaint (Kalandra), dated 08.09.2021, registered at Police Post Chadhiyar, District Kangra, H.P., for the commission of offences punishable under Sections 186 and 504 of the Indian Penal Code and pending before the Court of learned Judicial Magistrate, First Class, Baijnath, District Kangra, H.P.

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

2. Briefly stated, the facts giving rise to the present petition are that the Secretary, Gram Rozgar Sewak and Panchayat Chowkidar were discharging their duties. The petitioners entered the office of the Panchayat and restrained them from doing their work. When the informant reached the Panchayatghar, the people shouted slogans against him. The informant filed an application with the police to take action as per the law. The police filed an application seeking permission to investigate the matter, which was granted. The police investigated the matter and found sufficient material to file a complaint against the petitioners. Hence, a complaint was filed on 18.01.2022 before the Court.

3. Being aggrieved by the filing of the complaint before the Court, the petitioners have approached this Court to seek the quashing of the proceedings against them. It has been asserted that the complaint is a result of political vengeance. No words were uttered against any particular person. The allegations are vague, and the petitioners were falsely implicated. Therefore, it was prayed that the present petition be allowed and the proceedings pending before the learned trial Court be quashed.

4. The petition is opposed by filing a status report reproducing the contents of the complaint and the steps taken by the police during the investigation.

5. I have heard Mr S.D. Gill, learned counsel for the petitioners and Mr Ajit Sharma, Deputy Advocate General, for the respondent/State.

6. Mr S.D. Gill, learned counsel for the petitioners, submitted that the petitioners are innocent. Merely shouting slogans against Pradhan does not constitute any offence. The police filed the Kalandra before the Court, which is impermissible in view of Section 195 of the CrPC. Therefore, he prayed that the present petition be allowed and the proceedings pending before the learned Trial Court be quashed.

7. Mr Ajit Sharma, learned Deputy Advocate General, for the respondent/State, submitted that the petitioners had restrained the Panchayat officials from discharging their duties. The complaint was made by the Block Development Officer, who is administratively superior to the Panchayat officials. There is no political vendetta involved in the present case. Hence, he prayed that the present petition be dismissed.

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

9. 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 no. (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.”

10. 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-empting 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*)

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

12. It was submitted that there is no allegation against the petitioners, and merely shouting slogans is no offence. This submission cannot be accepted. The complaint specifically mentions that the Panchayat Secretary, Gram Rozgar Sewak and Panchayat Chowkidar were discharging their duties. The petitioners entered the Panchayat Ghar and stopped them from doing their duties. The petitioners also locked the office of the Panchayat Ghar. These allegations, *prima facie*, show that public officials were obstructed in the discharge of their public function, and an offence punishable under Section 186 of the IPC is made out against the petitioners.

13. It was submitted that the police had filed a complaint before the Court, which is impermissible, and the complaint

should have been filed by a public officer. This submission will not help the petitioners. The record of the learned Trial Court was requisitioned, and it was found that the complaint was made by the Block Development Officer. Section 195 of the Code of Criminal Procedures (CrPC) provides that a complaint regarding the commission of offences punishable under Sections 193 to 196 can be made by a Public Servant or some other Public Servant to whom he is administratively subordinate. Since Panchayat officials are administratively subordinate to the Block Development Officer, the requirements of Section 195 of CrPC were duly satisfied.

14. It was submitted on behalf of the petitioners that the police had filed the complaint, and it was not known from where this Court had inferred in the order dated 15.05.2026 that the complaint was made by the Block Development Officer. The submission proceeds in ignorance of the record because the record specifically shows that the complaint is signed by the Block Development Officer; therefore, this submission will not help the petitioners.

15. It was admitted that the allegations against the petitioners are false and have been made to wreak political

vengeance. The submission will not help the petitioners. The Court exercising inherent jurisdiction has to accept the contents of the FIR or the complaint as correct. This position was laid down by the Hon'ble Supreme Court in *Punit Beriwal v. State (NCT of Delhi)*, 2025 SCC OnLine SC 983, wherein 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.”

16. It was laid down in *Maneesha Yadav v. State of U.P.*, 2024 SCC OnLine SC 643, that the Court exercising inherent jurisdiction to quash the FIR cannot go into the truthfulness or otherwise 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 is 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.

17. It was submitted that shouting slogans against Pardhan does not constitute any offence. This submission will not help the petitioners because the allegation against them is not that they had shouted slogans against Pradhan, but that they had restrained the officials of the Gram Panchayat Chek from discharging their duties.

18. No other point was urged.

19. In view of the above, the present petition fails, and it is dismissed. The observations made hereinbefore shall remain confined to the disposal of the present petition and will have no bearing whatsoever on the merits of the case.

20. The present petition stands disposed of, and so are the pending miscellaneous applications, if any.

(Rakesh Kainthla)
Judge

16th, July 2026.
(ravinder)