

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr. MMO No. 1233 of 2025****Reserved on: 07.05.2026****Date of Decision: 16.06.2025**

Surinder Manhas & another	...Petitioners
Versus	
State of Himachal Pradesh and others	...Respondents

*Coram**Hon'ble Mr Justice Rakesh Kainthla, Judge.**Whether approved for reporting?¹ No.*

For the petitioners : Mr Sanjeev Kumar Suri, Advocate.

For the Respondents : Mr Jitender K.Sharma, Additional
Advocate General for respondents
No.1 and 2/State.

Rakesh Kainthla, Judge

The petitioners have filed the present petition for quashing of the criminal complaint pending before the learned Additional Chief Judicial Magistrate, Court No.1, Amb, District Una, H.P., (learned Trial Court) for the commission of offences punishable under Sections 498-A and 406 of the Indian Penal Code (IPC) and summoning order dated 23.02.2018 passed by the learned Trial Court. (*Parties shall hereinafter be referred to in the*

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

same manner as they were arrayed before the learned Trial Court for convenience.)

2. Briefly stated, the facts giving rise to the present petition are that the complainant filed a complaint before the learned trial Court against the accused (petitioners) for the commission of offences punishable under Section 498-A and 406 of the IPC. It was asserted that the marriage of the complainant and Sunil Manhas was solemnised on 28.10.2012 as per Hindu rites and customs. One daughter, Ruhani, was born to them. The accused started maltreating the complainant after one month of her marriage. They demanded dowry and gold. Complainant's husband, his father and her sister-in-law started saying what wood and stone had been brought by her. They also abused the complainant's parents. The complainant tolerated this behaviour with the hope that better sense would prevail upon the accused person, but the situation did not improve. Complainant's father-in-law used filthy language against the complainant and her parents. The complainant's sister-in-law took the complainant's gold ornaments and refused to return them. Complainant's husband demanded ₹10,000 from her parents. Complainant's certificates and other clothes were taken

by her husband and his relatives. The petitioner No.1 turned the complainant out of her matrimonial home by saying that she had no right in the house. The complainant's parents sent her husband to Doha. He returned from Doha and demanded more money from the complainant. Therefore, a complaint was filed before the learned Trial Court for taking action as per the law.

3. The learned Trial Court found sufficient reasons to summon the accused/petitioners. They appeared before the learned Trial Court on 24.03.2018 and furnished the surety bonds on 02.06.2018.

4. Being aggrieved by the filing of the complaint, the petitioners have filed the present petition asserting that the F.I.R. and criminal proceedings initiated against them do not disclose the commission of any cognizable offence. The allegations are vague and do not disclose the commission of any offence. The petitioner No.1 had bequeathed his entire property to petitioner No. 2 and dispossessed his son of the property. The complaint was filed to harass the petitioner No.1. The Learned Trial Court failed to apply its mind while summoning the petitioners. No preliminary enquiry was conducted. The

continuation of the proceedings amounts to an abuse of the process of the Court. Therefore, it was prayed that the present petition be allowed and the proceedings pending before the learned Magistrate be quashed.

5. I have heard Mr Sanjeev Kumar Suri, learned counsel for the petitioners and Mr Jitender K. Sharma, learned Additional Advocate General, for respondents No. 1 and 2 /State.

6. Mr Sanjeev Kumar Suri, learned counsel for the petitioners, submitted that the petitioners are innocent and they were falsely implicated. The allegations made against them are false and do not disclose the commission of any offence. Continuation of the proceedings before the learned trial Court amounts to an abuse of the process of the Court. Hence, he prayed that the present petition be allowed and the proceedings pending before the learned trial Court be quashed.

7. Mr Jitender K. Sharma, learned Additional Advocate General for respondents No.1 & 2, submitted that the allegations in the complaint disclose the commission of a cognizable offence. The Learned Trial Court is seized of the matter, and this

court should not exercise the inherent jurisdiction in the present case. Hence, he prayed that the present petition be dismissed.

8. I have given a considerable thought to the submissions 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 laid down by the Hon'ble Supreme Court in *Neelu Chopra v. Bharti*, (2009) 10 SCC 184: (2010) 1 SCC (Cri) 286: 2009 SCC OnLine SC 1693 that the Court has to see that particulars of the offences committed by every accused and the role played by the accused in committing the offence are given in the complaint made to the police. It was observed: -

“9. To lodge a proper complaint, the mere mention of the sections and the language of those sections is not the be-all

and end—all of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing that offence.

10. When we see the complaint, it is sadly vague. It does not show which of the accused has committed what offence, and what is the exact role played by these appellants in the commission of the offence. It could be said that something is against Rajesh, as the allegations are made against him more precisely, but he is no more and has already expired. Under such circumstances, it would be an abuse of the process of law to allow the prosecution to continue against the aged parents of Rajesh, the present appellants herein, on the basis of a vague and general complaint which is silent about the precise acts of the appellants.” (Emphasis supplied)

13. Similarly, it was held in *Abhishek v. State of M.P., 2023 SCC OnLine SC 1083; 2023 INSC 779* that the tendency of false implication by way of general omnibus allegations, if left unchecked, would result in the misuse of the process of law. It was observed:

“13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *Kahkashan Kausar alias Sonam v. State of Bihar [(2022) 6 SCC 599]*, this Court had occasion to deal with a similar situation where the High Court had refused to quash an FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-

laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife, and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused, and such an exercise ought to be discouraged.

14. In *Preeti Gupta v. State of Jharkhand* [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. *It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, such as allegations of harassment by the husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.*

15. Earlier, in *Neelu Chopra v. Bharti* [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof for lodging a complaint is not the 'be all and end all' of the matter, as *what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made*

in the context of a matrimonial dispute involving Section 498A IPC.” (Emphasis supplied)

14. It was held in *Achin Gupta v. State of Haryana, 2024 SCC OnLine SC 759:2024 INSC 369* that asking a person to face criminal allegations without any specific instance of criminal misconduct amounts to an abuse of the process of the Court. It was observed:

“18. The plain reading of the FIR and the chargesheet papers indicates that the allegations levelled by the First Informant are quite vague, general and sweeping, specifying no instances of criminal conduct. It is also pertinent to note that in the FIR, no specific date or time of the alleged offence/offences has been disclosed. Even the police thought fit to drop the proceedings against the other members of the Appellants' family. Thus, we are of the view that the FIR lodged by Respondent No. 2 was nothing but a counterblast to the divorce petition & also the domestic violence case.

25. *If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but an abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.*” (Emphasis supplied)

15. It was further held that in matrimonial disputes, the parents, including the close relatives, make a mountain out of a

molehill, and every matrimonial conduct amounting to nuisance does not constitute cruelty. It was observed: -

“32. Many times, the parents, including the close relatives of the wife, make a mountain out of a molehill. Instead of salvaging the situation and making every possible endeavour to save the marriage, their action, either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about the destruction of the marriage over trivial issues. The first thing that comes to mind for the wife, her parents and her relatives is the Police as if the Police is the panacea of all evil. No sooner does the matter reach the Police than even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance of each other's faults, to a certain bearable extent, has to be inherent in every marriage. Petty quibbles and trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hyper-sensitive approach would prove to be disastrous for the very institution of marriage. In matrimonial disputes, the main sufferers are the children. The spouses fight with such venom in their hearts that they do not think even for a second that if the marriage were to come to an end, then what would be the effect on their children? Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that instead of handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other.

There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the Police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The Police machinery cannot be utilised for the purpose of holding the husband to ransom so that he could be squeezed by the wife at the instigation of her parents, relatives or friends. In all cases where the wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. Every matrimonial conduct which may cause annoyance to the other may not amount to cruelty. Mere trivial irritations and quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty”

16. Similarly, it was held in *Mamidi Anil Kumar Reddy v. State of A.P.*, 2024 SCC OnLine SC 127: 2024 (2) SCR 252 that the phenomenon of false implication by a general omnibus allegation in the case of a matrimonial dispute is not unknown to the Court. When the allegations are general and omnibus, the prosecution should not be continued. It was observed: -

“14. In the considered opinion of this Court, there is significant merit in the submissions of the Learned Counsel for the Appellants. A bare perusal of the complaint, statement of witnesses and the charge sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not *prima facie* make out a case against the Appellants. The material on record neither discloses any particulars of the offences alleged

nor discloses the specific role/allegations assigned to *any* of the Appellants in the commission of the offences.

15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In *Kahkashan Kausar alias Sonam v. State of Bihar* (2022) 6 SCC 599, this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.

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17. Considering the dicta in *Mahmood Ali* (supra), we find that the High Court, in this case, has failed to exercise due care and has mechanically permitted the criminal proceedings to continue despite specifically finding that the allegations are general and omnibus in nature. The Appellants herein approached the High Court on *inter alia* grounds that the proceedings were re-initiated on vexatious grounds and even highlighted the commencement of divorce proceedings by Respondent No. 2. In these peculiar circumstances, the High Court had a duty to consider the allegations with great care and circumspection so as to protect against the danger of unjust prosecution.”

17. This position was reiterated in *Geddam Jhansi v. State of Telangana*, 2025 SCC OnLine SC 263, wherein it was observed:

“31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when the specific act(s) which constitute offences punishable under the Penal Code or any other penal statute are alleged or attributed to the accused and a *prima facie* case is made out. It applies with

equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. The institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, the preservation of family relationships has always been emphasised. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings, rupturing the family bond, courts should be circumspect and judicious and should allow invocation of the criminal process only when there are specific allegations with supporting materials that clearly constitute criminal offences.

32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

33. It goes without saying that genuine cases of cruelty and violence in the domestic sphere, which do happen, ought to be handled with utmost sensitivity. Domestic violence typically happens within the four walls of the

house and not in the public gaze. Therefore, such violence is not noticed by the public at large, except perhaps by the immediate neighbours. Thus, providing visible evidence by the victim of domestic violence may not be easily forthcoming and producing direct evidence may be hard and arduous, which does not necessarily mean that domestic violence does not occur. In fact, to deal with this pernicious phenomenon, stringent statutes like the Protection from Domestic Violence Act, 2005, have been enacted with a very expansive meaning and scope of what amounts to domestic violence. Since violence perpetrated within the domestic sphere by close relatives is now criminalised, entailing serious consequences on the perpetrators, the courts have to be careful while dealing with such cases by examining whether there are specific allegations with instances against the perpetrators and not generalised allegations. The purpose and mandate of the law to protect the victims of domestic violence is of paramount importance, and as such, a balance has to be struck by ensuring that while perpetrators are brought to book, all the family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner.

34. For a matrimonial relationship that is founded on the basis of cordiality and trust to turn sour to an extent to make a partner hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment, and such an acrimonious relationship would develop only in the course of time. Accordingly, such a situation would be the culmination of a series of acts that turn, otherwise, an amicable relationship into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated against them. Thus,

mere general allegations of harassment without pointing out the specifics against such perpetrators would not suffice, as is the case in respect of the present appellants.

35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who is accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated on the victim and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without *prima facie* evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence would amount to abuse of the process of law.”

18. The present petition has to be decided as per the parameters laid down by the Hon’ble Supreme Court.

19. In the present case, the complainant has specifically asserted that petitioner No.2 has retained her gold ornaments, which she is not returning despite the demands. She also asserted that petitioner No.1 had abused her and her parents. He turned her out of her matrimonial home and tortured her by saying what wood and stone had been brought by her. Therefore,

the complainant has made specific allegations against the petitioners and the submission that no specific allegations have been made and only vague allegations have been made cannot be accepted.

20. It was submitted that the allegations in the complaint are false. This submission will not help the petitioners. The Court exercising inherent jurisdiction does not go into the validity or otherwise of the allegations and has to treat them as correct. This position was laid down by the Hon'ble Supreme Court in *Punit Beriwalla 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.”

21. 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. [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 [*Joeph 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.”

22. 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'."

23. The petitioners had appeared before the learned Trial Court in the year 2018, and they have filed the present petition after the lapse of eight years. They have not provided any explanation for the delay in filing the present petition. The inherent jurisdiction is a discretionary jurisdiction and cannot be exercised in case of inordinate delay. It was laid down by the Delhi High Court in *Ajit Kumar Gola v. State (NCT of Delhi)*, 2026 SCC OnLine Del 1398, that ordinarily a petition under Section 482 of CrPC should be filed within 90 days and the delay beyond 90 days should be satisfactorily explained. It was observed:

"12. In *Bata v. Anama Behera*, 1989 SCC OnLine Ori 325: 1990 Cri LJ 1110, the learned Single Judge of the Orissa High Court observed as under:

"Though for filing an application under Section 482 there is no limitation, the application should be filed within a reasonable time, so that the progress of the case is not disturbed at a belated stage. A revision petition challenging an order can be filed within 90 days from the date of the order. Similarly, a period of 90 days, which is at par with a revision petition, should be treated as a reasonable time for filing an application under Section 482, and if it is filed beyond the period of 90 days, the applicant would have to explain the cause of the delay."

13. Similarly in *Gopal Chauhan v. Smt Satya*, 1978 SCC OnLine HP 33: 1979 Cri LJ 446, it was observed that a

petition under Section 482 CrPC and Article 227 of the Constitution of India filed after expiry of 3 years from the date of summoning ought not to be entertained when the case is fixed for the stage of evidence and that too, when the petitioner has approached the Revisionist Court.

14. Thus, although the question of inordinate delay and laches has not been dealt with in many cases but the fact remains that a party who invokes the jurisdiction of the High Court for the purpose of quashing of FIR and the consequent proceedings by embarking on to show that the ingredients of Section 409 or 420 IPC are not made out, is not only required to meet the test of expeditious dispatch of approaching to the Court but he should also be able to show that the facts are so glaring that it calls for interference of the High Court rather than raising the disputed questions of fact. In the present case, the FIR was admittedly registered in the year 1999, and a charge sheet had also been filed in the same year. Therefore, the petitioner was aware as to what are the accusations against him when he appeared before the Court for the first time in 1999, as a complete set of the charge sheet must have been supplied to him. If at all, the petitioner felt that there was a case for quashing of FIR, he ought to have approached the Court at the earliest possible stage. I agree with the observation made by the Orissa High Court that if a revision against an order of summoning could be filed within a period of 90 days then ordinarily a period of 90 days should have been sufficient to invoke the jurisdiction of High Court under Section 482 CrPC. Admittedly, this has not been done and if the period is calculated from 1999, the present petition has been filed after more than 11 years and, therefore, there was inordinate delay and laches on the part of the petitioner for which not even an iota of Explanation is forthcoming in the petition.

15. Even if, the contention of the learned counsel for the petitioner that the cause of action for filing the petition accrued to the petitioner only after 09.05.2009 when the

charges against him under Section 409 and 420 IPC were framed, is taken to be correct even then from the date of framing of the charge, there has been a lapse of almost two years in invoking the jurisdiction of this Court. As I have observed hereinabove that a revision against an order ought to be filed within a period of 90 days and the said period has been held by Orissa High Court to be reasonable and sufficient to invoke the revisionary power of a Court, then ordinarily the said period can also be said to be reasonable in normal circumstances while preferring a petition under Section 482 CrPC while as in the instant case, there is a lapse of almost two years without there being even an iota of averment in the petition as to what the petitioner was doing during these two years.”

24. In the present case, the petitioners have failed to provide any explanation for the delay, and the inherent jurisdiction cannot be exercised at their instance.

25. It is undisputed that the matter is pending before the Learned Trial Court. 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 matter is pending before the learned Trial Court, it should be left to appreciate it. 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 discharge case is made out or not.”

26. No other point was urged.

27. In view of the above, the present petition fails, and it is dismissed.

28. The observations made hereinbefore 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 June, 2026
(ravinder)