

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5867 OF 2025

Ishaq Mulla .. Petitioner
Vs.
The State of Maharashtra,
Through Kashmiri Police Station and Anr. .. Respondents

Mr. Shivam J. Singh, Advocate for the Petitioner.

Mrs. Mahalaxmi Ganapathy, Additional Public Prosecutor for
Respondent No.1.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 21ST NOVEMBER 2025.

P.C. :

The petitioner, who has been arrayed as accused no.5 in First Information Report No. 295 of 2025 dated 1st July 2025, lodged at Kashmiri Police Station, seeks quashing of the FIR insofar as it pertains to him.

2. Mr. Shivam J. Singh, learned counsel for the petitioner, submits that the petitioner is merely a friend of the respondent no.2-complainant's father-in-law. He states that the petitioner only attempted to mediate the underlying family dispute, yet has been unnecessarily implicated by the complainant in the FIR. Learned counsel further contends that the FIR does not attribute any specific role even to the family members of respondent no.2, let alone to the petitioner. He places reliance on the decision of the Supreme Court in *Ghanshyam Soni v. State (Govt. of NCT of Delhi)*, 2025 SCC OnLine SC 1301, to submit that a plain reading of the FIR reveals only vague allegations and, therefore, the FIR ought to be quashed.

3. We are unable to accept the above submissions. In *Ghanshyam Soni*, the alleged offence dated back to 1999 and the FIR was lodged after an inordinate delay of more than three years. The allegations against the family members were that they instigated the husband to abuse and harass the wife for not bringing sufficient dowry. In that context, the Hon'ble Supreme Court observed that such allegations were merely accusatory and contentious, and did not disclose any concrete or specific incident. It is important to note that *Ghanshyam Soni* concerned an order of discharge granted by the Sessions Court. In contrast, in the present case, the investigation is still underway. It is well settled that although this Court possesses wide inherent powers, such powers must be exercised with great care and caution. Quashing of criminal proceedings is warranted only in rare cases, so as to ensure that a legitimate prosecution is not stifled at the threshold. The contours of the Court's inherent jurisdiction have been delineated in several judgments of the Hon'ble Supreme Court, including in "*State of Odisha v. Pratima Mohanty*" (2022) 16 SCC 703, wherein the Hon'ble Supreme Court has held:

"8.2. *It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482CrPC are 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.*"

4. In “*Inder Mohan Goswami v. State of Uttaranchal*” (2007) 12 SCC 1, Three-Judge Bench of the Hon’ble Supreme Court has held:

“27. The powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. The Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court should normally refrain from giving a prima facie decision in a case where all the facts are incomplete and hazy, more so, when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of such magnitude that they cannot be seen in their true perspective without sufficient material. Of course, no hard-and-fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceedings at any stage.”

5. The complainant has made specific allegations against her husband and his family members concerning incidents occurring between 2021 and 2024. Insofar as the present petitioner is concerned, the FIR records that in June 2024, when respondent no.2 and her husband were residing with the family, respondent no.2’s mother-in-law persistently demanded dowry. Respondent no.2 alleges that she was assaulted by her husband, and again beaten for failing to bring dowry. At that time, the petitioner allegedly called respondent no.2’s father and stated, “if you want to keep your daughter happy, you will have to give money.” Further allegations in the FIR assert that the petitioner mentally and physically harassed the complainant, pressuring her to bring money from her parents and threatening that she would not be permitted to reside in her matrimonial home otherwise. The complainant also alleges that the petitioner, along with other family members, took away her gold ornaments and other articles. On this basis, the complaint has been registered against the petitioner as well as the other family members.

6. It is well settled that while exercising jurisdiction under Section 482 of the Cr.P.C., the Court is not required to appreciate the evidence or conduct a mini-trial. At this stage, it is impermissible to look into the veracity of the material, the acceptability of which is essentially a matter of investigation and trial. We are conscious that the investigation is still going on and therefore we would not make any further comment as regards allegations made against the petitioner by the complainant. We would simply dismiss this writ petition observing that on a bare reading of the First Information Report it cannot be concluded that the allegations against the petitioner are of civil nature or vague and general.

7. **Writ Petition No.5867 of 2025** is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]