IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 12838 of 2015

FOR APPROVAL AND SIGNATURE:
HONOURABLE MR.JUSTICE P. M. RAVAL

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Approved for Reporting	Yes	No
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INDRAVADAN @ ASHOK MAGANBHAI PATEL & ORS.
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR ADIL R MIRZA(2488) for the Applicant(s) No. 1,2,3,4
MR P P MAJMUDAR(5284) for the Respondent(s) No. 2
MR KM ANTANI, APP for the Respondent(s) No. 1,3

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 09/10/2026

ORAL JUDGMENT

1. This application under Section 482 of Criminal Procedure Code, 1973 (the Code) is preferred by the applicants praying to quash the FIR being C.R. No. I-103 of 2015, lodged before Navsari (Rural) Police Station, Dist.: Navsari for the offences punishable under Sections 323, 504, 506(2), 354(A) and 114 of the Indian Penal

Code, 1860 (IPC) and Section 135 of the Gujarat Police Act.

2. Succinctly stated the facts of the prosecution case are that on 14.06.2015, at around 5:00 PM, the complainant accompanied by his wife Nitaben, was riding on his motorcycle to deliver Mangoes to his acquaintances. Between approximately 5:00 PM and 5:15 PM, when they reached near Partapor Phanta on the Italva–Eru Road, the accused persons, who were traveling ahead in a Maruti car, halted their vehicle upon seeing them. The driver of the vehicle namely Darshanaben Nani, hurled vile abuses upon them. Her sister Kajal Nani, who was seated in the rear, pulled the wife of the complainant off the motorcycle, causing her to fall to the ground. Thereupon, Darshanaben also stepped out of the vehicle, and both sisters began assaulting wife of the complainant, scratching her with their fingernails on her neck and back. When the complainant intervened to rescue his wife, they subjected him to filthy abuses. During that, Darshanaben's father, who was also present in the car, stepped out and struck the complainant on his back with a stick. Subsequently, certain individuals belonging to Ahir family, residing nearby, rushed to the spot; they kicked the wife of the complainant in the abdomen, causing her severe pain. During the assault, the assailants snapped and severed his wife's gold Mangalsutra. They tore her Saree and Blouse with the intent to outrage her modesty and demean her. They issued threat to kill the *de facto* complainant. They assaulted the complainant with fist blows, forcibly snapped his gold bracelet/chain from his wrist,

and threatened to kill and usurp property. Following the incident, the *de facto* complainant contacted Police Officer Shri Forat of Navsari Rural Police Station over the phone. Subsequently, at the police station, relatives of the opposite party, namely Ashok Maganbhai Patel and his wife Nayanlata, threatened the complainant, saying: "even if searched for, you will not be found alive, and we will kill your mother as well." Thus, on the said facts, the FIR in question came to be registered.

3. Rule. learned advocates for the respective respondents waive service.

4. At the outset, learned advocate Mr. Adil Mirza for the applicants does not press this application *qua* the applicant Nos. 3 and 4. Accordingly, the matter is disposed of *qua* applicant Nos. 3 and 4. Interim relief, if any, shall stand vacated *qua* them.

5. Heard, learned advocate for the applicants, the learned advocate for the respondent No. 2 - *de facto* complainant and the learned Additional Public Prosecutor for the respondent – State.

5.1 Gist of arguments of the learned advocate for the applicants is that the ingredients of the offence alleged against the present applicants (Nos. 1 and 2) are not at all satisfied inasmuch as, the only allegation against them is to the effect that they threatened to kill the *de facto* complainant and his mother, while the complainant

had gone to the police station. It is submitted that except that, there is nothing on record to point out any overt act or role played by the present applicants (Nos. 1 and 2) in commission of the alleged offence.

5.2 The learned advocate for the applicants would submit that even the incident of alleged threat given by the present applicants to the *de facto* complainant is not believable as the same alleged to have been occurred at the police station, while they were at the police station, where the police personnel were very much present.

5.3 It is submitted that even otherwise, if the entire case of the *de facto* complainant is taken as true, then too, the FIR does not disclose commission of any cognizable offence of criminal intimidation and/or intentional insult etc. or any of the offence, as alleged in the FIR so far as present applicants (Nos. 1 and 2) are concerned.

5.4 Making such submissions, it is urged that the present FIR and the consequential proceedings *qua* the applicants (Nos. 1 and 2) may be quashed and set aside as no *prima facie* case is made out against the present applicants (Nos. 1 and 2).

6. As against that, the learned advocate for the respondent No. 2 - *de facto* complainant would submit that the incident in question had occurred in presence of the witnesses. He submitted that it is

trite law that FIR is not an encyclopedia and this Court, while considering the application under Section 482 of the Code, may not conduct a mini trial and when a strong case is made out against the applicants, this Court may not interfere in the application under Section 482 of the Code and it is urged to be rejected.

7. The learned Additional Public Prosecutor as well as the learned advocate for the *de facto* complainant would further submit that as per the settled law of the land, inherent powers under Section 482 of the Code should be used sparingly and with a view to curb the abuse of process of law. It is submitted that in the case on hand, a *prima facie* case is made out against the applicants and hence, they requested that it is ultimately a matter of trial after which, the truth could be churned out and hence, it is requested not to entertain this application and it is reiterated to be dismissed.

8. Heard the learned advocates for the parties and perused the material placed on record.

9. Prior to assessing the factual matrix on the touchstone of criminal jurisprudence, it is apposite to reinforce the settled legal position governing the scope, ambit, and limits of the inherent jurisdiction vested under Section 482 of the Code. The jurisprudential parameters regulating the exercise of this extraordinary power have been authoritatively catalogued by

Hon'ble Supreme Court in a long line of precedents, chief among them being the authoritative in the case of ***State of Haryana v. Bhajan Lal [AIR 1992 SC 604]***. Therein, Hon'ble Supreme Court crystallized seven distinct, illustrative categories of cases where judicial intervention under Section 482 of the Code or Article 226 of the Constitution is necessitated to secure the ends of justice and clip any abuse of the process of Court. The relevant portion of Paragraph 102 of the said judgment is extracted below:

> *"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 have given 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.*
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> > *(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 private and personal grudge."

9.1 Evaluating the present application on the anvil of the principles enunciated in ***Bhajan Lal (supra)***, this Court has to determine whether the allegations in the FIR, even when accepted at face value, satisfy the essential statutory ingredients of the

offences alleged against the present applicants (Nos. 1 and 2). This Court must ensure that criminal machinery is not permitted to degenerate into an engine of harassment where liability under criminal law is completely absent.

10. The applicants sought quash of the said FIR on the ground that no such threat or abuse, as alleged, was given by them to the *de facto* complainant and would contend that even if any such a threat/abuse is given, that by itself would not constitute an offence punishable under Sections 504 and 506(2) of the IPC. Moreover, the only allegation against the present applicants are to the effect that they had threatened the complainant and save and except, no role is attributed to the present applicants in commission of the alleged offence. Therefore, they sought quash of the FIR on the said ground.

10.1 At his juncture, a decision in ***Vikram Johar v. The State of Uttar Pradesh and Others, MANU/SC/0608/2019 : (2019) 14 SCC 207***, wherein the Apex Court observed as under:

> *"23. In paragraph No.13 of the judgment, this Court has noticed the ingredients of Section 504, which are to the following effect:-*
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> > *"13. Section 504 IPC comprises of the following ingredients viz. (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. The intentional insult must be of such a*

degree that should provoke a person to break the public peace or to commit any other offence. The person who intentionally insults intending or knowing it to be likely that it will give provocation to any other person and such provocation will cause to break the public peace or to commit any other offence, in such a situation, the ingredients of Section 504 are satisfied. One of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504 Indian Penal Code."

24. In another judgment, i.e., Manik Taneja and Another Vs. State of Karnataka and Another, MANU/SC/0056/2015 : (2015) 7 SCC 423, this Court has again occasion to examine the ingredients of Sections 503 and 506. In the above case also, case was registered for the offence under Sections 353 and 506 I.P.C. After noticing Section 503, which defines criminal intimidation, this Court laid down following in paragraph Nos. 11 and 12:-

"11. Xxxxxxxxxxxx

A reading of the definition of "criminal intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

12. In the instant case, the allegation is that the appellants have abused the complainant and obstructed the second respondent from discharging his public duties and spoiled the integrity of the second respondent. It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "criminal intimidation". The threat must be with intention

to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant. From the facts and circumstances of the case, it appears that there was no intention on the part of the appellants to cause alarm in the mind of the second respondent causing obstruction in discharge of his duty. As far as the comments posted on Facebook are concerned, it appears that it is a public forum meant for helping the public and the act of the appellants posting a comment on Facebook may not attract ingredients of criminal intimidation in Section 503 Indian Penal Code."

27. Now, reverting back to Section 506, which is offence of criminal intimidation, the principles laid down by Fiona Shrikhande (supra) has also to be applied when question of finding out as to whether the ingredients of offence are made or not. Here, the only allegation is that the appellant abused the complainant. For proving an offence under Section 506 IPC, what are ingredients which have to be proved by the prosecution? Ratanlal & Dhirajlal on Law of Crimes, 27th Edition with regard to proof of offence states following: -

"…The prosecution must prove:

(i) That the accused threatened some person.

(ii) That such threat consisted of some injury to his person, reputation or property; or to the person, reputation or property of some one in whom he was interested;

(iii) That he did so with intent to cause alarm to that person; or to cause that person to do any act which he was not legally bound to do, or omit to do any act which he was legally entitled to do as a means of avoiding the execution of such threat." A plain reading of the allegations in the complaint does not satisfy all the ingredients as noticed

above."

10.2 In ***Mohammad Wajid and Another v. State of U.P. & Others, 2023 LiveLaw (SC) 624,*** it is held as under:

> *"26. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant. In King Emperor v. Chunnibhai Dayabhai, (1902) 4 Bom LR 78, a Division Bench of the Bombay High Court pointed out that:-*
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> > *"To constitute an offence under Section 504, I.P.C. it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."*
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> > *(Emphasis supplied)*
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> *27. A bare perusal of Section 506 of the IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.*
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> *28. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 of the IPC may probably could be said to have been disclosed but not under Section 504 of the IPC. The allegations with respect to the offence punishable under Section*

504 of the IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR. One of the essential elements, as discussed above, constituting an offence under Section 504 of the IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present."

10.3 Thus, Section 504 IPC comprises of the following ingredients *viz.* (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. Further, in view of definitions of Criminal Intimidation under Section 503 of the IPC, in order to make out an offence of Criminal Intimidation, punishable under Section 506(2) of the IPC, that it must be established that the accused had an intention to cause alarm to the complainant and that, mere threats given by the accused, without any intention to cause alarm to the complainant, would not constitute the offence of Criminal Intimidation. The said basic ingredients and predominant requirement to establish or to constitute an offence punishable under Sections 504 and 506(2) of the IPC regarding intentional insult with intention to provoke breach of peace and the intention to cause alarm to the complainant by such threat, are conspicuously absent in the

present case. Therefore, the FIR that was registered against the applicants is legally unsustainable and the same is liable to be set aside.

10.4 So far as offences punishable under Sections 323 and 114 of the IPC as well as Section 135 of the Gujarat Police Act are concerned no role is attributed to the present applicants (Nos. 1 and 2) so also, there is nothing on record to show that any overt act has been committed by the present applicants as also, from a perusal of the FIR, nothing is alleged against them so as to attract the provisions of these sections.

10.5 Hon'ble Supreme Court in ***Pradeep Kumar Kesarwani v. State of Uttar Pradesh [AIROnline 2025 SC 956]*** recently synthesized the jurisprudence governing Section 482 of the Code and formulated a strict four-step analytical framework to evaluate petitions seeking the quashing of criminal trials at their inception. The framework dictates:

> *"20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the CrPC:*
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> > *(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?*
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> > *(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the*

charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial..."

10.6 Applying the aforementioned four-step test to the facts on hand, the case put up by the applicants is of unimpeachable quality and stands entirely unrefuted by respondents. The same cannot be lightly brushed aside by a Court of law, even at the preliminary stage of quashing.

10.7 In view of the distinct absence of the essential ingredients of Sections 323, 504, 506(2), 354(A) and 114 of the Indian Penal Code, 1860 and Section 135 of the Gujarat Police Act, forcing the parties to endure a full-fledged criminal trial would be an exercise in

futility. The controversy falls squarely within the exceptions carved out in ***Pradeep Kumar Kesarwani (supra)***.

11. As a sequitur to the reasons stated herein above, this application succeeds and is hereby allowed. First Information Report being FIR being C.R. No. I-103 of 2015, lodged before Navsari (Rural) Police Station, Dist.: Navsari for the offences punishable under Sections 323, 504, 506(2), 354(A) and 114 of the Indian Penal Code, 1860 and Section 135 of the Gujarat Police Act along with all consequential criminal proceedings flowing therefrom, stands quashed and set aside *qua* the present applicants (Nos. 1 and 2) only. Rule is made absolute in the aforementioned terms.

11.2 It is made clear that the trial Court shall proceed with the matter *qua* the other accused, in accordance with law, on merit, uninfluenced by what is observed herein above in this judgment and order.

11.3 **Direct service** is permitted.

[P. M. Raval, J.]

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIREN VIRENDRABHAI MER(HC00351), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 09/10/2026 15:43:53