IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 1141 of 2026
Reserved on: 12.10.2026
Date of Decision: 02.11.2026.

Tilak Raj .... Petitioner

Versus

State of H.P. & Ors. .... Respondents

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

For the Petitioner	:	Mr Ashok Sharma, Senior Advocate with Ms Anubhuti Sharma, Advocate.
For the Respondents	:	Mr Jitender Sharma, Additional Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of FIR No. 3 of 2025 registered at Vigilance Police Station, Chamba, for the commission of offences punishable under Sections 409, 420, 467, and 471 read with Section 120B of the Indian Penal Code (IPC) and the consequential proceedings arising out of it.

2. Briefly stated, the facts giving rise to the present petition are that the informant Jai Ram made a complaint to the

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

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police that the petitioner Tilak Raj was posted in Forest Beat, Kalwara between 2020 and 2022. The petitioner had misappropriated the money in connivance with the other public officials. Inspector Pawan Kumar and Sub Inspector Vijay Kumar conducted the preliminary investigation. They seized the record and found that 2500 trees of Deodar, 1000 trees of Baan, and 500 trees of Ritha were planted on 5 hectares of land by spending ₹1,54,950/- in the year 2020-2021. ₹25,000/- was spent on their maintenance in the years 2020 to 2022, and ₹20,500/- was spent between 2022 and 2023. A team headed by Ravi Guleria, ACF Dalhousie, measured and inspected the spot on 22.07.2024 and found that the plantation was carried out on an area of 2-50-00 hectares instead of 5-00-00 hectares. Tilak Raj had also shown the plantation of 5,500 trees of Deodar on 5 hectares of land by spending ₹2,03,100/-. ₹40,000/- was spent in the year 2022 - 2023 and ₹29,000 was spent in the year 2023-2024 for the maintenance of the plants. However, the committee found that 1,765 trees were planted on 01-05-00 hectares. Petitioner Tilak Raj had shown the plantation of 4,000 trees of Baan in Vagodi on 5 hectares of land by spending ₹2,00,450/- in the year 2020-2021. ₹29,000/- was spent in the year 2022-2023 and ₹21,500/-

were spent in the year 2023-2024 on their maintenance. However, the committee found that 1,680 trees were planted. The petitioner had also shown the plantation of 13,500 plants in Tikretty, Kalwara and Vagodi by spending ₹7,27,550/-. However, the committee estimated that ₹2,23,547/- was spent on the plantation. The petitioner also claimed to have spent ₹1,50,000/- on the maintenance of Kalwara Nursery. He claimed that he had carried out 14 works at different places of soil conservation and constructing check dams. A committee headed by Rakesh Maral found a difference of ₹3,12,111/-. The petitioner had misappropriated ₹ 9.66 lakhs from the Government money. The police registered the FIR and carried out the investigation.

3. Being aggrieved by the registration of the FIR and the consequential investigation being carried out by the police, the petitioner has approached this Court for quashing the FIR and the consequential proceedings, asserting that he had received an intimation regarding illicit felling in reserve forest Kalwara beat on 19.10.2020. He visited the spot and found that informant Jai Ram was felling deodar trees. Petitioner apprehended Jai Ram with 25 scans of Deodar. He prepared a damage report which was signed by informant Jai Ram. The matter was reported to the

Range Forest Officer on 20.10.2020. The informant's relatives had a history of illicit felling, and various damage reports had been issued against them. The informant and his family members were asked to deposit the money as per the damage report; however, they failed to do so. The informant had filed various applications under the Right to Information Act to compel the petitioner not to pursue the case against the informant and his family members. The petitioner had relinquished the charge on 08.10.2021, and nothing was pointed out at the time of handing over the charge. The informant had also made a complaint to the Forest Department, and an inquiry was conducted by the department. The inquiry officer did not find anything against the petitioner. The payments are being made through RTGS. The works mentioned in the FIR are not within the scope of the petitioner's duties. The bills are passed after spot verification. The petitioner had made a complaint against the informant, but it was not pursued for want of sanction under Section 17A of the Prevention of Corruption Act. The allegations in the FIR, even if taken to be true, do not constitute the commission of any offence. Hence, it was prayed

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that the present petition be allowed and the FIR and consequential proceedings arising out of it be quashed.

4. I have heard Mr Ashok Sharma, learned Senior Advocate, assisted by Ms Anubhuti Sharma, learned counsel for the petitioner and Mr Jitender Sharma, learned Additional Advocate General for the respondent/State.

5. Mr Ashok Sharma, learned Senior Advocate for the petitioner, submitted that the allegations in the FIR are false and they do not constitute the commission of any cognizable offence. The petitioner had relinquished the charge, and no irregularity was found in his work. The petitioner was not entrusted with any money, and the allegation against him that he had spent the money on plantation and maintenance of the plants is incorrect. The petitioner had made a complaint against the informant, but it was not pursued because the provision of Section 17A of the Prevention of Corruption Act applied to the informant. The same provision would apply to the petitioner as well, but the FIR was registered under various Sections of the IPC by omitting the provisions of the Prevention of Corruption Act. The continuation of the investigation amounts to an abuse of the process of the

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Court. Hence, he prayed that the present petition be allowed and the FIR and consequential proceedings arising out of it be quashed. He relied upon the judgment in ***Mohd. Wajid and another Vs. State of Uttar Pradesh and others (2023) 20 SCC 219*** in support of his submission.

6. Mr Jitender Sharma, learned Additional Advocate General for the respondent/State, submitted that the police are carrying out the investigation and it is premature to say anything at this stage. The allegations in the FIR clearly show the misappropriation of the Government money and the forgery of the record in connivance with other officials. The police will fairly conduct the investigation, and if the allegations are not established during inquiry, a cancellation report would be filed before the Court. Hence, he prayed that the present petition be dismissed.

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

8. The law relating to quashing of FIR 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.
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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.*
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> (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.
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> (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.
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> 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."

9. 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.
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> **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***).

10. It was held in ***Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre*, *(1988) 1 SCC 692: 1988 SCC (Cri) 234: 1988 SCC OnLine SC 80*** that the Court has to determine whether the uncontroverted allegations in the complaint constitute the cognizable offence when the prosecution is at the initial stage. It was observed on page 695

> **7.** The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where, in the opinion of the court, chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, also quash the proceeding even though it may be at a preliminary stage.

11. The parameters for exercising jurisdiction to interfere with the investigations being carried out by the police were considered by the Hon'ble Supreme Court in ***Neeharika***

Infrastructure (P) Ltd. v. State of Maharashtra*, *(2021) 19 SCC 401: 2021 SCC OnLine SC 315 and it was observed at page 444:

> **13.** From the aforesaid decisions of this Court, right from the decision of the Privy Council in ***Khwaja Nazir Ahmad [King Emperor v. Khwaja Nazir Ahmad, 1944 SCC OnLine PC 29 : (1943-44) 71 IA 203: AIR 1945 PC 18]***, the following principles of law emerge:
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> **13.1.** Police have the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate cognizable offences.
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> **13.2.** Courts would not thwart any investigation into the cognizable offences.
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> **13.3.** However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report, the Court will not permit an investigation to go on.
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> **13.4.** The power of quashing should be exercised sparingly with circumspection, in the "rarest of rare cases". (The rarest of rare cases standard in its application for quashing under Section 482CrPC is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court.)
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> **13.5.** While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.
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> **13.6.** Criminal proceedings ought not to be scuttled at the initial stage.
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> **13.7.** Quashing of a complaint/FIR should be an exception and a rarity rather than an ordinary rule.
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> **13.8.** Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the

ends of justice or prevent the abuse of the process by Section 482 CrPC.

13.9. The functions of the judiciary and the police are complementary, not overlapping.

13.10. Save in exceptional cases where non-interference would result in the miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.

13.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

13.12. The first information report is not an encyclopaedia that must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of the process of law. During or after the investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate, which may be considered by the learned Magistrate in accordance with the known procedure.

13.13. The power under Section 482CrPC is very wide, but the conferment of wide power requires the Court to be cautious. It casts an onerous and more diligent duty on the Court.

13.14. However, at the same time, the Court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in ***R.P. Kapur [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21: AIR 1960 SC 866]*** and ***Bhajan Lal [State of Haryana v. Bhajan Lal, 1992***

> ***Supp (1) SCC 335: 1992 SCC (Cri) 426]***, has the jurisdiction to quash the FIR/complaint.
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> **13.15.** When a prayer for quashing the FIR is made by the alleged accused, the Court, when it exercises the power under Section 482CrPC, only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not, and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

12. It was held in ***State of Karnataka v. L. Muniswamy (1977) 2 SCC 699: 1977 SCC (Cri) 404*** that the High Court can quash the criminal proceedings if they amount to an abuse of the process of the Court. It was observed on page 703:

> "7. ... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests, and the like would justify the High Court in quashing the proceeding in the interest of justice. The ends of justice are higher than the ends of mere law, though justice has got to be administered according to laws made by the legislature. The compelling necessity for making these observations is that without a proper realisation of the object and purpose of the provision which seeks to save the inherent powers

> of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction."

13. The term abuse of the process was explained in ***Chandran Ratnaswami v. K.C. Palanisamy*, *(2013) 6 SCC 740: (2014) 1 SCC (Cri) 447: 2013 SCC OnLine SC 450*** at page 761:

> **33.** The doctrine of abuse of process of court and the remedy of refusal to allow the trial to proceed is a well-established and recognised doctrine both by the English courts and courts in India. There are some established principles of law which bar the trial when there appears to be an abuse of the process of court.
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> **34.** Lord Morris in ***Connelly v. Director of Public Prosecutions [1964 AC 1254 : (1964) 2 WLR 1145 : (1964) 2 All ER 401 (HL)]***, observed: (AC pp. 1301-02)
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> > "There can be no doubt that a court which is endowed with a particular jurisdiction has powers which are necessary to enable it to act effectively within such jurisdiction. ... A court must enjoy such powers in order to enforce its rules of practice and to suppress any abuses of its process and to defeat any attempted thwarting of its process.
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> > The power (which is inherent in a court's jurisdiction) to prevent abuses of its process and to control its own procedure must in a criminal court include a power to safeguard an accused person from oppression or prejudice."
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> In his separate pronouncement, Lord Delvin in the same case observed that where particular criminal proceedings constitute an abuse of process, the court is empowered to refuse to allow the indictment to proceed to trial.

35. In ***Hui Chi-ming v. R. [(1992) 1 AC 34 : (1991) 3 WLR 495 : (1991) 3 All ER 897 (PC)]***, the Privy Council defined the word "abuse of process" as something so unfair and wrong with the prosecution that the court should not allow a prosecutor to proceed with what is, in all other respects, a perfectly supportable case.

36. In the leading case of ***R. v. Horseferry Road Magistrates' Court, ex p Bennett [(1994) 1 AC 42 : (1993) 3 WLR 90 : (1993) 3 All ER 138 (HL)]***, on the application of the abuse of process, the court confirms that an abuse of process justifying the stay of prosecution could arise in the following circumstances:

> (*i*) where it would be impossible to give the accused a fair trial; or
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> (*ii*) where it would amount to misuse/manipulation of the process because it offends the court's sense of justice and propriety to be asked to try the accused in the circumstances of the particular case.

37. In ***R. v. Derby Crown Court, ex p Brooks [(1984) 80 Cr App R 164 (DC)]***, Lord Chief Justice Ormrod stated:

> "It may be an abuse of process if either (*a*) the prosecution has manipulated or misused the process of the court so as to deprive the defendant of a protection provided by law or to take unfair advantage of a technicality, or (*b*) on the balance of probability the defendant has been, or will be, prejudiced in the preparation of conduct of his defence by delay on the part of the prosecution which is unjustifiable."

38. Neill, L.J. in ***R. v. Beckford (Anthony) [(1996) 1 Cr App R 94: 1995 RTR 251 (CA)]***, observed that:

> "The jurisdiction to stay can be exercised in many different circumstances. Nevertheless, two main strands can be detected in the authorities: (*a*) cases where the court concludes that the defendant cannot receive a fair trial; (*b*) cases where the court concludes that it would be unfair for the defendant to be tried."

> What is unfair and wrong will be for the court to determine on the individual facts of each case.

14. It was held in ***Mahmood Ali v. State of U.P.*, *(2023) 15 SCC 488: 2023 SCC OnLine SC 950*** that where the proceedings are frivolous or vexatious, the Court owes a duty to quash them. However, the Court cannot appreciate the material while exercising jurisdiction under Section 482 of CrPC. It was observed on page 498:

> **13.** In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read between the lines. The Court, while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution, need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take, for instance, the case at hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances that the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.
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> **14.** ***State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522: 2004 SCC (Cri) 1805]***, a two-judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that

manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (***Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522: 2004 SCC (Cri) 1805]***, SCC p. 527, paras 5-7)

> "*5.* ... Authority of the court exists for the advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent the promotion of justice. In the exercise of its powers, the court would be justified in quashing any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. *When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto*.
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> *6.* In ***R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21: AIR 1960 SC 866]***, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)
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> > (*i*) where it manifestly appears that there is a legal bar against the institution or continuance, e.g. want of sanction;
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> > (*ii*) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;
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> > (*iii*) *where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge*.

> *7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether, on a reasonable appreciation of it, the accusation would not be sustained. That is the function of the trial Judge*. The judicial process, no doubt, should not be an instrument of oppression or needless harassment. The court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing the process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time, the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death." (emphasis supplied)

15. It was held in ***Minu Kumari v. State of Bihar*, *(2006) 4 SCC 359: (2006) 2 SCC (Cri) 310: 2006 SCC OnLine SC 417*** that the High Court should refrain from giving a *prima facie* opinion when the facts are hazy, and the evidence has not been collected. It was observed on page 366:

> "**20.** As noted above, 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 the exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court, being the highest

> court of a State, should normally refrain from giving a prima facie decision in a case where the entire 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 magnitude and 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. [See ***Janata Dal v. H.S. Chowdhary [(1992) 4 SCC 305: 1993 SCC (Cri) 36] and Raghubir Saran (Dr.) v. State of Bihar [(1964) 2 SCR 336: AIR 1964 SC 1 : (1964) 1 Cri LJ 1]*** .]

16. A similar view was taken in ***Mohd. Wajid*** (supra).

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

18. The FIR specifically mentions that the petitioner was posted as a Forest Guard and he had carried out various plantation, maintenance and other works. The works executed by the petitioner were verified by independent committees headed by Ravi Guleria, ACF Dalhousie and Rakesh Marol, Assistant Engineer, HPPWD. A difference of ₹3,12,111/- was found in the work. The committees noticed that the plantation was not carried out on the area mentioned by the petitioner and the number of plants was also less. These allegations *prima facie* show that the

money was taken out of the Government funds on the basis of the false averments about the extent of the plantation.

19. A heavy reliance was placed upon the entries in the daily diaries (Annexure P15) to submit that the plantation was destroyed in a forest fire, and the difference in the number of trees is attributable to the forest fire, for which the petitioner cannot be faulted. This submission will not help the petitioner. The investigation is being carried out, and it is yet to be seen whether the contents of the entries in the daily diary are correct or not. It will be open for the police to determine whether any forest fire had taken place and if so, whether it had caused damage to the plantation mentioned in the FIR or not. It is premature for this Court to quash the FIR merely because somebody had reported the forest fire.

20. It was submitted that the relationship between the informant and the petitioner is strained as the petitioner had issued a damage report against the informant and his family members. The FIR was lodged by the informant to wreak vengeance upon the petitioner. This submission will not help the petitioner. It was laid down by the Hon'ble Supreme Court in

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Ramveer Upadhyay v. State of U.P., 2022 SCC OnLine SC 484, that a complaint cannot be quashed because it was initiated due to enmity. It was observed:

> "30. The fact that the complaint may have been initiated because of a political vendetta is not in itself grounds for quashing the criminal proceedings, as observed by Bhagwati, CJ, in ***Sheonandan Paswan v. State of Bihar (1987) 1 SCC 2884***. It is a well-established proposition of law that a criminal prosecution, if otherwise justified and based upon adequate evidence, does not become vitiated on account of mala fides or political vendetta of the first informant or complainant. Though the view of Bhagwati, CJ, in ***Sheonandan Paswan*** (supra) was the minority view, there was no difference of opinion with regard to this finding. To quote Krishna Iyer, J., in ***State of Punjab v. Gurdial Singh (1980) 2 SCC 471***, "If the use of power is for the fulfilment of a legitimate object, the actuation or catalysation by malice is not legicidal."
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> Xxxx
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> 39. In our considered opinion, criminal proceedings cannot be nipped in the bud by the exercise of jurisdiction under Section 482 of the Cr.P.C. only because the complaint has been lodged by a political rival. It is possible that a false complaint may have been lodged at the behest of a political opponent. However, such a possibility would not justify interference under Section 482 of the Cr.P.C. to quash the criminal proceedings. As observed above, the possibility of retaliation on the part of the petitioners by the acts alleged, after the closure of the earlier criminal case, cannot be ruled out. The allegations in the complaint constitute an offence under the Atrocities Act. Whether the allegations are true or untrue would have to be decided in the trial. In the exercise of power under Section 482 of the Cr.P.C., the Court does not examine the correctness of the allegations in a complaint except in exceptionally rare

> cases where it is patently clear that the allegations are frivolous or do not disclose any offence. The Complaint Case No. 19/2018 is not such a case which should be quashed at the inception itself without further Trial. The High Court rightly dismissed the application under Section 482 of the Cr.P.C."

21. Thus, the FIR cannot be quashed because it was lodged due to enmity.

22. It was submitted that the allegations in the FIR are incorrect. This submission will also not help the petitioner. The Court exercising the jurisdiction to quash the FIR does not go into the credibility of the witnesses or the truthfulness or otherwise of the allegations made by the parties. It has to accept the contents of the FIR as correct. This position was laid down by the Hon'ble Supreme Court in ***Punit Beriwala 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."

23. 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.

24. It was submitted that the petitioner had also made a complaint against the informant, but it was not investigated because no sanction under Section 17A of the Prevention of Corruption Act was obtained. The same parameter should have been applied to the petitioner as well. This submission will also not help the petitioner. The allegations in the FIR show that the false representation regarding the plantation was made and the Government money was withdrawn by forging the documents. These allegations *prima facie* show the commission of offences punishable under Section 420, 467, 468 and 471 of the IPC. Hence, the FIR cannot be quashed simply because another complaint against the informant was not registered for want of sanction under Section 17A of the Prevention of Corruption Act.

25. It was submitted that the FIR has to be scrutinised with due care and caution when there is enmity between the parties. This submission will not assist the petitioner. Even if the contents of the FIR are seen with due care and caution, they constitute the commission of cognizable offences, and the FIR cannot be quashed at this stage.

26. It was submitted that the same transaction cannot constitute the commission of an offence punishable under Sections 409 and 420 of the IPC. It is not necessary to deal with this submission because investigation is being carried out, and it would be open for the investigating agency to drop one of the sections which may be found to be not attracted after the investigation. However, this is not sufficient to quash the FIR.

27. In the present case, the investigation is at the initial stage. The FIR discloses the commission of cognizable offences, and it is impermissible to quash it without allowing the police to carry out the investigation. Hence, the present petition fails, and it is dismissed.

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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

2nd November, 2026
(Nikita)