IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1232 of 2026

Reserved on: 2.11.2026

Date of Decision: 19.11.2026.

Honey Kumar & Anr. .... Petitioner

Versus

State of H.P. & Anr. .... Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] ***No.***

For the Petitioners : Mr Ganesh Barowalia, Advocate.

For Respondent No.1 : Mr Ajit Sharma, Deputy Advocate General.

Rakesh Kainthla, Judge

The petitioners have filed the present petition for quashing of F.I.R. No. 64 of 2025, dated 28.05.2025, registered at Police Station Jawali, District Kangra, H.P., for the commission of offences punishable under Section 117(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. Briefly stated, the facts giving rise to the present petition are that the informant is a resident of Jawali. Atul

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

Kumar, Honey Kumar (the present petitioners) and Sharada Devi used to encroach upon the informant's land. When the informant objected to it, the accused gave her beatings. She tried to install CCTV cameras for her protection, but the accused did not allow her to do so. Hence, she prayed that action be taken against the accused as per the law.

3. The police took the informant for a medical examination. The medical officer reported that the informant had sustained a grievous injury. Hence, the police registered the F.I.R. and investigated the matter. The police filed the charge-sheet before the Court after the completion of the investigation.

4. Being aggrieved by the registration of the F.I.R. and the filing of the charge-sheet, the petitioners have filed the present petition for quashing of the F.I.R. and the consequential proceedings arising out of it. It is asserted that Sharada Devi had submitted a complaint to the Superintendent of Police on 15.05.2025. Respondent No.2/informant has made a statement before the police that Sharada and Suman had not given beatings to her, and the police did not file any charge sheet against them. The informant's medical examination and the X-rays were

conducted on 24.05.2025 and 26.05.2025. The final medical opinion was issued after 14 days. However, it was mentioned in the final opinion that the probable duration of injury No. 2 was within 7 days, which made the informant's case highly doubtful. The informant had not mentioned the date of the incident and had made a general statement that she was beaten, which is not sufficient to summon the accused. The continuation of the criminal proceedings would amount to an abuse of the process of the Court. Therefore, it was prayed that the present petition be allowed and the F.I.R. and consequential proceedings arising out of it be quashed.

5. I have heard Mr Ganesh Barowalia, learned counsel for the petitioners/accused, and Mr Ajit Sharma, learned Deputy Advocate General for Respondent No. 1/State.

6. Mr Ganesh Barowalia, learned counsel for the petitioners/accused, submitted that the petitioners/accused are innocent and they were falsely implicated. There are various discrepancies in the prosecution version, and the medical evidence does not corroborate the informant's version. There is a dispute between the parties, and the F.I.R. was lodged because of

enmity. Therefore, he prayed that the present petition be allowed and the F.I.R. and consequential proceedings arising out of it be quashed. He relied upon the judgment of the Hon'ble Supreme Court in ***Dhanraj Vs. State of Rajasthan, 2026 INSC 958*** in support of his submission.

7. Mr Ajit Sharma, learned Deputy Advocate General for Respondent No. 1/State, submitted that the police had investigated the matter as per the law and filed the charge-sheet before the Court. The matter is pending before the learned Trial Court, and this Court should not exercise the inherent jurisdiction vested in it. Hence, he prayed that the present petition be dismissed.

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

9. 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.
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> (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.
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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***).

11. 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 proceedings even though it may be at a preliminary stage.

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."

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 or conduct of his defence by delay on the part of the prosecution which is unjustifiable."
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> **38.** Neill, L.J. in ***R. v. Beckford (Anthony) [(1996) 1 Cr App R 94: 1995 RTR 251 (CA)]***, observed that:
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> "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."
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> 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.

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)

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

16. The F.I.R. specifically mentions that Sharada Devi, Atul Kumar, Honey Kumar and Suman Rani had given beatings to the informant. The informant was medically examined and was found to have sustained a grievous injury. The photographs of the incident were also taken, in which two persons are seen quarrelling with the informant, which *prima facie* corroborates her version.

17. The police recorded the informant's statement in which it was mentioned that the names of Sharada and Suman were inadvertently mentioned. It was submitted that the part of the incident was admitted to be false by the informant, and her version regarding the incident is not acceptable. This submission will not help the petitioners. It was laid down by the Hon'ble Supreme Court in ***Arvind Kumar @ Nemichand and others Versus State of Rajasthan, 2022 Cri. L.J. 374***, that the testimony of a witness cannot be discarded because he had made a wrong statement regarding some aspect, as the principle that when a witness deposes falsehood, his entire statement is to be discarded does not apply to India. It was observed: -

> "48. The principle that when a witness deposes falsehood, the evidence in its entirety has to be eschewed may not

> have a strict application to the criminal jurisprudence in our country. The principle governing sifting the chaff from the grain has to be applied. However, when the evidence is inseparable and such an attempt would either be impossible or would make the evidence unacceptable, the natural consequence would be one of avoidance. The said principle has not assumed the status of law but continues only as a rule of caution. One has to see the nature of the discrepancy in a given case. When the discrepancies are very material, shaking the very credibility of the witness, leading to a conclusion in the mind of the court that it is neither possible to separate it nor to rely upon, it is for the said court to either accept or reject."

18. It was laid down by the Hon'ble Supreme Court in ***Achchar Singh vs. State of H.P. AIR 2021 SC 3426*** that the testimony of a witness cannot be discarded due to exaggeration alone. It was observed:

> 24. It is vehemently contended that the evidence of the prosecution witnesses is exaggerated and thus false. Cambridge Dictionary defines "exaggeration" as "the fact of making something larger, more important, better or worse than it is". Merriam-Webster defines the term "exaggerate" as to "enlarge beyond bounds or the truth". The Concise Oxford Dictionary defines it as "enlarged or altered beyond normal proportions". These expressions unambiguously suggest that the genesis of an 'exaggerated statement' lies in a fact, to which fictitious additions are made to make it more persuasive. Every exaggeration, therefore, has the ingredients of 'truth'. No exaggerated statement is possible without an element of truth. On the other hand, the Advance Law Lexicon defines "false" as "erroneous, untrue; opposite of correct, or true". Oxford Concise Dictionary states that "false" is "wrong; not correct or

true". Similar is the explanation in other dictionaries as well. There is, thus, a marked difference between an 'exaggerated version' and a 'false version'. An exaggerated statement contains both truth and falsity, whereas a false statement has no grain of truth in it (being the 'opposite' of 'true'). It is well said that to make a mountain out of a molehill, the molehill shall have to exist primarily. A Court of law, being mindful of such distinction, is duty-bound to disseminate 'truth' from 'falsehood' and sift the grain from the chaff in case of exaggerations. It is only in a case where the grain and the chaff are so inextricably intertwined that in their separation no real evidence survives, that the whole evidence can be discarded. [***Sucha Singh v. State of Punjab, (2003) 7 SCC 643, 18***.]

25. Learned State counsel has rightly relied on ***Gangadhar Behera (Supra)*** to contend that even in cases where a major portion of the evidence is found deficient, if the residue is sufficient to prove the guilt of the accused, a conviction can be based on it. This Court in ***Hari Chand v. State of Delhi, (1996) 9 SCC 112*** held that:

> "24. ...So far as this contention is concerned, it must be kept in view that while appreciating the evidence of witnesses in a criminal trial, especially in a case of eyewitnesses, the maxim falsus in uno, falsus in omnibus cannot apply and the court has to make efforts to sift the grain from the chaff. It is of course true that when a witness is said to have exaggerated in his evidence at the stage of trial and has tried to involve many more accused, and if that part of the evidence is not found acceptable, the remaining part of the evidence has to be scrutinised with care and the court must try to see whether the acceptable part of the evidence gets corroborated from other evidence on record so that the acceptable part can be safely relied upon..."

> 26. There is no gainsay that homicidal deaths cannot be left to judicium dei. The Court in its quest to reach the truth ought to make earnest efforts to extract gold out of the heap of black sand. The solemn duty is to dig out the authenticity. It is only when the Court, despite its best efforts, fails to reach a firm conclusion that the benefit of the doubt is extended.
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> 27. An eyewitness is always preferred to others. The statements of P.W.1, P.W.11 and P.W.12 are, therefore, to be analysed accordingly, while being mindful of the difference between exaggeration and falsity. We find that the truth can be effortlessly extracted from their statements. The trial Court fell in grave error and overlooked the credible and consistent evidence while proceeding with a baseless premise that the exaggerated statements made by the eyewitnesses belie their version."

19. Thus, the informant's version cannot be doubted simply because she had made a statement before the police that the names of Sharada and Suman were wrongly mentioned.

20. It was submitted that there is a discrepancy in the medical evidence, as the Medical Officer stated that the injury could have been caused within 07 days, which conflicts with the informant's version. This submission will not help the petitioners. It was laid down by the Hon'ble Supreme Court in ***Chikkegowda v. State of Karnataka, 2025 SCC OnLine SC 2190,*** that the ocular evidence will prevail in case of conflict between the oral and medical evidence. It was observed:

23. It is well settled that if there is a conflict between the ocular testimony and the medical testimony/evidence, it is the ocular evidence which will prevail unless found to be totally unreliable. In this regard, reference may be made to the following decision wherein the above principle was reiterated:

23.1. In the judgment of ***Darbara Singh v. State of Punjab (2012) 10 SCC 476***, it was held that:

> "10. *So far as the question of inconsistency between medical evidence and ocular evidence is concerned, the law is well settled that, unless the oral evidence available is totally irreconcilable with the medical evidence, the oral evidence would have primacy. In the event of contradictions between medical and ocular evidence, the ocular testimony of a witness will have greater evidentiary value vis-à-vis medical evidence,* and when medical evidence makes the oral testimony improbable, the same becomes a relevant factor in the process of evaluation of such evidence. It is only when the contradiction between the two is so extreme that the medical evidence completely rules out all possibilities of the ocular evidence being true at all, that the ocular evidence is liable to be disbelieved..." *(Emphasis supplied)*

23.2. In the judgment of ***State of U.P. v. Hari Chand (2009) 13 SCC 542***, it was held that:

> "13. ...In any event, unless the oral evidence is totally irreconcilable with the medical evidence, it has primacy."

23.3. In the judgment of ***Pruthviraj Jayantibhai Vanol v. Dinesh Dayabhai Vala (2022) 18 SCC 683***, it was held that:

> "17. Ocular evidence is considered the best evidence unless there are reasons to doubt it..."

23.4. In the aforesaid decisions, this Court has consistently accorded greater weight to ocular testimony

> than to the opinion of medical experts, and the same principle governs the case before us.

21. Therefore, the F.I.R. cannot be quashed on the basis that there is some discrepancy between the oral and the medical evidence. Further, the prosecution can explain the discrepancy, and it cannot be presumed at this stage that the opinion of the Medical Officer completely rules out the prosecution case.

22. It was submitted that the allegations in the F.I.R. are false. This submission will not help the petitioners. It was laid down by the Hon'ble Supreme Court in ***Punit Beriwala v. State (NCT of Delhi), 2025 SCC OnLine SC 983,*** that the Court exercising the inherent jurisdiction has to accept the contents of the FIR as correct. 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)***.
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> **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***:
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> > "**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 there is enmity between the parties and a false F.I.R. was lodged because of the enmity. This submission will not help the petitioners. It was laid down by the Hon'ble Supreme Court in ***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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> 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."

25. It is undisputed that the charge-sheet has been filed before the 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. The judgment in ***Dhan Raj*** (supra) deals with the merits and does not apply to the proceedings for quashing the FIR. Thus, not much advantage can be derived from the cited judgment.

27. No other point was urged.

28. In view of the above, the present petition fails, and the same is dismissed.

29. The observations made hereinabove shall remain confined to the disposal of the present petition and will have no bearing, whatsoever, on the merits of the case.

(Rakesh Kainthla)
Judge

19th November, 2026
(Chander)