IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1250 of 2026
Reserved on: 04.11.2026
Date of Decision: 19.11.2026.

Jagdish Bhardwaj ...Petitioner

Versus

State of H.P. & Others ...Respondents

Coram

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

For the Petitioners	:	Mr Anirudh Thakur, Advocate.
For the Respondent No. 1	:	Mr Ajit Sharma, Deputy Advocate General.
For Respondents No.2 to 4	:	Nemo.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of FIR No. 293 of 2020, dated 21.12.2020, registered at Police Station Dhalli, District Shimla, H.P. for the commission of offences punishable under Sections 336, 337 and 338 of the Indian Penal Code (IPC) and the consequential proceedings arising out of it. (*The parties shall hereinafter be referred to in the same manner as they were arrayed before the Trial Court for convenience*).

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

2. Briefly stated, the facts giving rise to the present petition are that the informant Jeet Ram, Bhimi Ram, Pankaj Kumar, Durga Singh, Inder Singh, SDO Yogesh, JE Jagdish (the present petitioner), foreman Chet Ram and ALM Yugal were installing CT/PT outside Gumma powerhouse on 21st December 2020. The electricity was shut down. Bhimi Ram, Pankaj and Chet Ram were working on the electric pole. Somebody switched on the electricity at about 2:15 p.m. Pankaj Kumar and Bhimi Ram suffered electric shock and fell. They were taken to the hospital and the matter was reported to the police. The police registered the FIR and investigated the matter. It was found that the work was being carried out under the supervision of SDO Yogesh Kumar and JE Jagdish. Permission was obtained for carrying out the work. The electricity was shut down at 10 a.m. The record disclosed that the Gumma-Kadharghat 22 KV HT line had tripped. This line was running parallel to the Gumma-Chaba line and was required to be shut down because both of the lines fell into the induction zone. SDO Yogesh Kumar and JE Jagdish Bhardwaj were responsible for ensuring the shutdown of electricity on both lines. An enquiry committee also concluded that electricity in all the parallel lines was required to be shut down before carrying out any work. Hence,

the chargesheet was filed before the Court after the completion of investigation and obtaining the requisite permission.

3. Being aggrieved by the registration of the FIR and filing of the charge sheet, the petitioner has filed the present petition asserting that the work was being carried out as per the provisions of the Electricity Act. Due care and caution was maintained by the staff. The requisite permission was obtained from the competent authority. The electricity was shut down at 10:32 a.m. The petitioner had completed his duty of obtaining the requisite sanction from the substation and the other conditions were required to be fulfilled by the SDO. The report of the committee has also not attributed any negligence to the petitioner. Senior officers are responsible for getting the electricity shut down before carrying out the work. 22 KV Gumma-Kadharghat line is located at a considerable distance from the Gumma-Chaba line on which the work was being carried out. The allegations in the FIR do not show the petitioner's involvement in the commission of the crime. The continuation of the proceedings against the petitioner amounts to abuse of the process of law. Therefore, it was prayed that the present petition be allowed and

the FIR and the consequential proceedings arising out of the FIR be quashed.

4. I have heard Mr Anirudh Thakur, learned counsel for the petitioner and Mr Ajit Sharma, learned Deputy Advocate General for the respondent No. 1/State.

5. Mr Anirudh Thakur, learned counsel for the petitioner submitted that the allegations in the FIR do not show the petitioner's involvement in the commission of the crime. The petitioner was present on the spot and the responsibility to get the electricity shut down was with the higher officials. The challan was filed after considerable delay. The continuation of the criminal proceedings against the petitioner amounts to an abuse of the process of the court. Therefore, he prayed that the present petition be allowed and the FIR and the consequential proceedings arising out of it be quashed.

6. Mr Ajit Sharma, learned Deputy Advocate General for the respondent No.1/State, submitted that the petitioner had not ensured the shutdown of electricity in the parallel line, which led to the accident. The electric current can flow from one line to another by induction, and this can be prevented by shutting down

the flow of electricity in both the lines. The enquiry committee had found that the accident was caused by not shutting down the electricity in the Gumma-Kadharghat line. The inherent jurisdiction is to be exercised sparingly and no case is made out for the exercise of the inherent jurisdiction. Therefore, he prayed that the present petition be dismissed.

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

8. The law relating to quashing of criminal cases was explained by the Hon'ble Supreme Court in ***B.N. John v. State of U.P., 2025 SCC OnLine SC 7*** as under: -

> **"7.** As far as the quashing of criminal cases is concerned, it is now more or less well settled as regards the principles to be applied by the court. In this regard, one may refer to the decision of this Court in ***State of Haryana v. Ch. Bhajan Lal, 1992 Supp (1) SCC 335,*** wherein this Court has summarised some of the principles under which FIR/complaints/criminal cases could be quashed in the following words:
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> > **"102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any

court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) *Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused.*

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) *Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to*

the institution and continuance of the proceedings, and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to a private and personal grudge." *(emphasis added)*

8. Of the aforesaid criteria, clause nos. (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."

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

11. The enquiry committee found that a tripping was observed on the 22 KV Gumma-Kadharghat Line which is running approximately two metres away and parallel to the Gumma-Chaba line. The committee also noticed marks of Arc Flash on the channel. It noticed the possibility of the piece of jumper coming within the induction zone, which resulted in the accident. This report clearly shows that the electricity in the 22 KV Gumma-Kadharghat Line was required to be shut down before carrying out

the work on the Gumma-Chaba line to avoid electric shock by induction.

12. The petitioner asserted in para 9 of the petition that he had obtained a shutdown from Gumma substation, and the work had commenced after obtaining the clearance from the substation. He asserted in para 13 that he had obtained sanction for shutdown from the substation for the work. He made contradictory claims in other paragraphs that the senior officials of the Department were to obtain the shutdown. *Prima facie*, the averments in the petition show that the petitioner was required to obtain the shutdown, and he had obtained the shutdown on the Gumma-Chaba line before the commencement of the work; however, he failed to ensure the electricity shutdown on the 22 KV Gumma-Kadharghat line, which led to the accident. The committee had specifically found that failure to ensure the shutdown of the electricity in the 22 KV Gumma-Kadharghat Line was the cause of the accident. The petitioner was required to obtain the shutdown as per his own showing; therefore, the petitioner's negligence *prima facie* led to the accident, and the averments in the chargesheet show the petitioner's involvement in the commission of the crime.

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

14. This position was reiterated in ***Pramod Kumar Shukla v. State of U.P., 2026 SCC OnLine SC 1661*** wherein it was observed:

> **47.** It is well settled that while exercising jurisdiction under Section 482 of the Cr. P.C., the Court is concerned only with whether the allegations contained in the FIR, taken at their face value and accepted in their entirety, disclose the commission of a cognizable offence. At that stage, the Court does not embark upon an enquiry into the correctness, reliability or probative value of the material relied upon by either side. This principle stands authoritatively settled in ***Bhajan Lal*** (supra) and has been consistently reaffirmed in ***Neeharika Infrastructure (P) Ltd*** (supra).

15. It was laid down by the Hon'ble Supreme Court in ***Maneesha Yadav v. State of U.P., 2024 SCC OnLine SC 643,*** that the Court cannot conduct a mini-trial to determine the genuineness of the allegations. It was observed: -

> "**13.** As has already been observed hereinabove, the Court would not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of quashing of the proceedings under Section 482 Cr. P.C. However, the allegations made in the FIR/complaint, if taken at their face value, must disclose the commission of an offence and make out a case against the accused. At the cost of repetition, in the present case, the allegations made in the FIR/complaint, even if taken at their face value, do not disclose the commission of an offence or make out a case against the accused. We are of the considered view that the present case would fall under Category-3 of the categories enumerated by this Court in the case of ***Bhajan Lal (supra)***.
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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 the FIR when the charge-sheet was filed

by the police during the pendency of the Section 482 petition, observed: (SCC p. 63, para 16)

> "*16.* Thus, the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge sheet had been filed, the learned Single Judge [***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."

16. It was laid down by the Hon'ble Supreme Court in ***Dharambeer Kumar Singh v. State of Jharkhand, (2025) 1 SCC 392: 2024 SCC OnLine SC 1894*** that the Court cannot conduct a mini-trial while exercising jurisdiction under section 482 of CrPC. It was observed at page 397:

> "**17.** This Court, in a series of judgments, has held that while exercising inherent jurisdiction under Section 482 of the Criminal Procedure Code, 1973, the High Court is not supposed to hold a mini-trial. A profitable reference can be made to the judgment in ***CBI v. Aryan Singh [CBI v. Aryan Singh, (2023) 18 SCC 399: 2023 SCC OnLine SC 379***]. The relevant paragraph from the judgment is extracted hereunder: (SCC paras 6-7)
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> > *6.* ... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482CrPC, the Court is not required to conduct the mini-trial. ...

> 7. ... At the stage of discharge and/or while exercising the powers under Section 482CrPC, the Court has very limited jurisdiction and is required to consider 'whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not'.

17. Therefore, it is impermissible for this Court to conduct a mini-trial to determine the correctness or otherwise of the allegations made in the FIR.

18. It was submitted that the petitioner was present on the spot and he cannot be held liable for negligence. This submission is only stated to be rejected. The petitioner's presence will not take away the effect of his failure to ensure the shutdown of electricity on the 22 KV Gumma-Kadharghat Line.

19. It was submitted that there is a delay in filing of the charge sheet before the Court. This submission will also not help the petitioner. It was specifically mentioned in the chargesheet that the delay had occurred because of taking sanction to prosecute the petitioner. Section 470(3) of the Code of Criminal Procedure (CrPC) specifically excludes the time taken for obtaining the sanction while computing the period of limitation. Thus, the time spent in obtaining the sanction cannot be considered.

20. 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."

21. No other point was urged.

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

23. 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

___November, 2026
(Nikita)