2026:HHC:22541

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 175 of 2026
Reserved on: 22.05.2026
Date of Decision: 17.06.2026

Vibha Bansal ...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 Anirudh RH Sharma, Advocate
For respondents No.1/ State	:	Mr Ajit Sharma, Deputy Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of FIR No. 138 of 2022, dated 07.12.2022, registered at Police Station Parwanoo, District Solan, H.P., for the commission of offences punishable under Sections 336, 337, and 504 of the Indian Penal Code (IPC) and Section 75 of the Juvenile Justice (Care and Protection of Children) Act 2015 (JJ Act). *(The parties shall*

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

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

2026:HHC:22541

hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience).

2. Briefly stated, the facts giving rise to the present petition are that the informant made a complaint to the police stating that his son Kanav was a student of the 7th class in I-Genius School, Parwanoo. A call was received from the school on 23.11.2022 at about 1:15 p.m. that Kanav had sustained injuries while playing. The informant's wife made an enquiry from the class teacher, who replied that the children do not listen to anybody and the school teachers cannot be held responsible for their welfare. Kanav revealed that the P.T. teacher was asking the students to race in a game period. The school did not have adequate facilities for racing. A wall was located at a distance of one foot from the end point of the race. It was difficult for a child running at high speed to suddenly stop, and the chances of his hitting the wall were quite high. Kanav sustained injuries because he was unable to stop due to the momentum. The informant and his wife went to the office of Vibha Bansal (the present petitioner). The informant and his wife made inquiries from the petitioner about the incident, and the petitioner abused and threatened to evict the child from the school. She called her husband, who had a scuffle with the informant.

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

Kanav went to the school on 28.11.2022, and he was not permitted to join the assembly, dance class and games period. He was asked to sit alone in the class. The petitioner gathered the children on 01.12.2022 and displayed the CCTV footage in which Kanav was shown taking a notebook from his friend's bag. The petitioner told the students that Kanav was stealing their articles, and they should be cautious. Kanav replied that he was taking the notebook for the homework. The petitioner replied that this was theft, and the police would send him to jail for the rest of his life for committing the theft. She also asked Kanav whether his parents had taught him to steal. She threatened Kanav and asked him to change his school. Kanav was removed from the WhatsApp group of the class. The matter was reported to the police. The police registered the FIR and investigated the matter. Kanav was produced before the Child Welfare Committee, which sent him for counselling. Clinical psychologist, Vishali Sharma, issued a report that the client appeared calm, comfortable and friendly. He reported no significant signs of mental illness. She counselled the client and his father individually and conjointly. The petitioner had traumatised the victim, Kanav, by her acts. Hence, a charge sheet was filed before the Court.

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

2026:HHC:22541

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 allegations in the FIR do not constitute the commission of any offence. Deputy Director of Elementary Education dealt with the complaint regarding corporal punishment and reported that the informant's behaviour was inappropriate, indecent, shameful, abusive, and violent with the principal, teachers and some students. No corporal punishment was given in the school. This report falsifies the allegations made in the FIR. There was no negligence or mismanagement on the petitioner's part. The clinical psychologist had also found the child to be calm, comfortable and friendly, which falsifies the allegation of mental trauma. The school had adequate facilities as per the requirements laid down by the Government. The petitioner did not have any actual charge or control over a child, and she cannot be held responsible under Section 75 of the JJ Act. The petitioner had shown the CCTV footage to advise the children not to touch each other's belongings. Therefore, it was prayed that the present petition be allowed and the FIR and consequential proceedings arising out of it be quashed.

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

2026:HHC:22541

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

5. Mr Anirudh RH Sharma, learned counsel for the petitioner, submitted that the allegations in the FIR, even if taken to be true, do not constitute the commission of any offence. The petitioner was not responsible for the welfare of the child. She had merely counselled the children not to touch each other's belongings. The school had adequate facilities for the activities being carried out in it, and this was duly certified by the Deputy Director of Education. An enquiry was conducted in which the informant was found at fault. The clinical psychologist had also not found any signs of trauma in the child. The continuation of the proceedings in these circumstances would be a futile exercise. Hence, he prayed that the present petition be allowed and the FIR and consequential proceedings arising out of it be quashed.

6. Mr Ajit Sharma, learned Deputy Advocate General for respondent No.1/State submitted that the learned Trial Court is seized of the matter and the petitioner should be left to the remedies available to her under the law. This Court should not

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

2026:HHC:22541

exercise its inherent jurisdiction to scuttle the proceedings. The allegations in the FIR and the result of the investigation clearly show that the petitioner had called Kanav a thief in the presence of the classmates, and traumatised him. 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:
>
> > "**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

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

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 based on 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.*

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

> (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."

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

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.

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. A similar view was taken in ***Rajendra Bihari Lal v. State of U.P., 2025 SCC OnLine SC 2265,*** wherein it was observed:

> **"70.** The aforesaid decisions of this Court make it clear that where the High Court is satisfied that the process of any court is being abused or likely to be abused or that the ends of justice would not be secured, it is not only empowered but also obligated under the law to exercise its inherent powers. The provision does not confer any new power on the High Court but rather saves the power which the High Court already possesses, from before the enactment of the legislation, by reason of its very existence. In exercise of its power, it would be legitimate for the High Court to quash any criminal proceedings if the High Court finds that the initiation or continuation of it may lead to abuse of process of court, and quashing of the proceedings would serve the ends of justice."

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

High Court of HP

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

12. Section 75 of the JJ Act provides that if any person has the actual charge of or control over the child assaults, abandons, abuses, exposes or willfully neglects the child in a manner likely to cause such child unnecessary mental or physical suffering shall be punished. In the present case, the petitioner was the principal of the school and had an overall charge of Kanav. She had shown the CCTV footage to the children and called Kanav a thief in the presence of his classmates. She threatened to call the police and put Kanav behind bars. She also threatened Kanav to seek a transfer from the school. All these acts would *prima facie* cause mental suffering to the child.

13. It was submitted that the clinical psychologist did not find any evidence of trauma. She found the child to be calm, composed, and friendly, which falsifies the prosecution's version that the child had mentally suffered. This submission will not help the petitioner. The prosecution can always prove by examining Kanav that he had suffered mentally from the act of the accused. Even if an objective test is applied, a teacher calling a child a thief in the presence of the classmate and threatening to put him behind bars for life would, *prima facie,* cause mental suffering to him.

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

Therefore, the FIR cannot be quashed on the ground that the clinical psychologist had not found any signs of trauma.

14. A heavy reliance was placed upon the report of the Deputy Director of Elementary Education. This report will not help the petitioner because nobody stated that the child was subjected to corporal punishment. Hence, the report that no corporal punishment was inflicted upon the child will not disprove the prosecution's case. The fact that the informant's behaviour was found to be inappropriate will not mean that the complaint made by him was false.

15. It was submitted that the allegations in the FIR are false, and the petitioner had only counselled the children not to touch each other's belongings. This submission will not help the petitioner. It was held in ***Punit Beriwala v. State (NCT of Delhi), 2025 SCC OnLine SC 983,*** that the Court exercising jurisdiction under Section 482 of CrPC has to treat the allegations in the complaint as correct. It was observed: -

> "29. It is settled law that the power of quashing of 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

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

> 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."

16. 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. [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23],*** this Court

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

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 [***Joesph 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."

17. 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 on 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)
>
> *6.* ... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings,

High Court of HP

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

> 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'."

18. This position was reiterated in ***Muskan v. Ishaan Khan (Sataniya), 2025 SCC OnLine SC 2355,*** wherein it was observed: -

> **22.** On the aspect of the powers of the Courts under Section 482 of the Cr. P.C., it is settled that at the stage of quashing, the Court is not required to conduct a *mini-trial.* Thus, the jurisdiction under Section 482 of the Cr. P.C. with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.
>
> **~~Xxxx~~**
>
> **27.** We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to the credibility or otherwise of the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no *prima facie* case against the accused persons..."

19. Therefore, it is impermissible for this Court to conduct a mini-trial to determine whether the allegations in the FIR are correct or not.

20. The allegations in the FIR and the result of the investigation show the commission of cognizable offences. The

High Court of HP

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

Learned Trial Court is seized of the matter, and it should be permitted to continue with the proceedings. 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 charge sheet has been filed, the learned Trial Court should be left to appreciate the same. 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 present petition stands disposed of, and so are the pending miscellaneous applications, if any.

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS

24. The observations made herein before shall remain confined to the disposal of this petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

17th June, 2026
(Nikita)

High Court of H.P.

::: Downloaded on - 18/06/2026 12:22:23 :::CIS