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MCRC-5447-2014

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

MISC. CRIMINAL CASE No. 5447 of 2014*DR. PUSHYAMITRA MISHRA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Anil Khare - Senior Advocate with Shri Jaywardhan Lunawat -
Advocate for the petitioner.*

*Shri Yogesh Dhande - Government Advocate for the respondent
No.1/State.*

Shri Vivek Ranjan Pandey - Advocate for the respondent No.2.

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Reserved on : 24.08.2026

Pronounced on : 25.09.2026

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ORDER

This petition has been filed by the petitioner under Section 482 of Cr.P.C. for quashing of F.I.R. and consequential criminal proceedings relating to Crime No.98/2024 registered at P.S. Ratibad, District Bhopal (M.P.) for the offences under Section 420, 409, 467, 468, 471, 506 r/w 34 of IPC as well as order dated 04.02.2014 passed by J.M.F.C., Bhopal.

2. Learned senior counsel for the petitioner has submitted that this case has been registered on the basis of complaint filed by respondent No.2 Richa Singh. It is further submitted that there is only one allegation against the petitioner is that he was involved in the alleged offence with common intention of other co-accused persons but it is not mentioned that what role has been played by the petitioner. It



is further submitted that in this case charge under Section 406 and 409 of IPC have not been framed against the petitioner by concerned Trial Court. In this case, none of the students has made any complaint against present petitioner regarding misappropriation of scholarship amount. It is further submitted that the account is opened A/c. No.119001501637 maintained with ICICI Bank on the name of Acropolis Institute of Technology & Research Institute. The authorized signatory of that account is co-accused Anshuman Tiwari and Ashish Rai and not the petitioner. The said account does not belong to the petitioner. It is further submitted that the amount Rs.1,11,500/- is also not deposited in the account of petitioner. In the list of office bearers of Chanakya Kautilya Shikshan Samiti it is mentioned that Anshuman Tiwari as President, Smt. Richa Singh (complainant) as Secretary and Ashish Rai as Treasurer. It is further submitted that an enquiry report has been submitted by S.H.O., P.S. Ratibad, Bhopal to Superintendent of Police, Bhopal dated 28.01.2024 in which there is no allegation against the petitioner. It is further submitted that second enquiry report was also submitted by Assistant Commissioner-cum-Assistant Enquiry Officer Smt. Seema Soni and Member of Enquiry Committee Smt. Megha Luna. In that report also, no allegation has been found on the part of the petitioner. It is further submitted that in the enquiry report submitted by Assistant Registrar, Firms & Societies, Indore Division, Indore, it is mentioned that before this incident, the petitioner has resigned from the society and the respondent No.2/complainant Richa Singh was not Secretary of the society. the specimen handwriting of the petitioner was obtained by asking him to write the name of the complainant, Richa Singh. Upon examination and comparison, it was found that the handwriting appearing on the said documents did not belong to the petitioner. In support of his submission, learned senior counsel has placed reliance on the decision of Apex Court in *Sheila*



Sebastian vs. R. Jawaharaj & Anr. (2018) 7 SCC 581 (Para 12), Satish Mehra vs. State (NCT of Delhi) & Anr. (2012) 13 SCC 614 (Para 7 & 14), Shaileshbhai Ranchhodbhai Patel & Anr. vs. State of Gujarat 2024 SCC Online SC 5569 (Para 7), Anand Kumar Mohatta vs. State (NCT of Delhi) (2019) 11 SCC 706 (Para 16), decision of Coordinate Bench of this Court in Sandeep Singh Bais & Ors. vs. State of M.P. & Ors. 2017 SCC Online MP 394 (Para 8, 9 & 12), Ramkumar Sharma & Ors. vs. State of M.P. passed in MCRC. No.16298/2021.

3. It is further submitted that Chanakya Kautiliya Shikshan Samiti has filed a civil suit through respondent No.2/complainant Richa Singh before the Court of V Civil Judge Class-I, Bhopal against Anshuman Tiwari, Smt. Smt. Pinki Jatav, Ashish Rai, Roshan Pandey and Adityanath Jha but in the complaint, this fact is not mentioned by the complainant, which amounts to suppression of fact. Thus, the complainant has not approached this Court with clean hands. Hence, the prayer is made for quashment of F.I.R. bearing Crime No.98/2014 registered at P.S. Ratibad, Bhopal and consequential criminal proceeding arising thereto.

4. On the other hand, learned counsel for the respondent No.2 has submitted that in this case F.I.R. has been registered against the petitioner also with the aid of Section 120-B of IPC regarding criminal conspiracy. It is further submitted that in this petition, on behalf of petitioner it is argued that the petitioner has no connection with the Chanakya Kotilya Shikshan Sansthan Samiti and at the time of incident, he was not the member of said society as he had also resigned from said society. The petitioner has filed a caveat petition No.1003/2026 claiming himself to be Chairman of said society. The order passed by Registrar, Firms & Societies dated 11.03.2026 in which he has categorically stated that he is founder of the society from 2006. It is further submitted that the petitioner has been



convicted vide judgment dated 12.09.2023 in a Special Case No.C.B.I./60/2012 by Special Judge, Special Court for Trial of C.B.I. Cases, Raipur (C.G.) under Sections 120-B of IPC and Section 7, 13(1)(d) and 13(2) of Prevention of Corruption Act and sentenced to undergo R.I. for three years for each section. It is further submitted that 24 prosecution witnesses have been examined before the Trial Court and trial is at advanced stage and is likely to be concluded shortly. It is further submitted that a similar offence had been registered against the petitioner, in connection with which R.C.T. No. 9060/2016 was pending before the learned J.M.F.C., Bhopal. Against the said proceedings, the petitioner preferred M.Cr.C. No. 54865/2023 before the Coordinate Bench of this Court, which was also dismissed vide order dated 20.03.2024. It is further submitted that various accounts have been opened by the petitioner by making forged signature of respondent No.2, therefore offence under Section 120-B of IPC is made out against the petitioner. In support of his submission, learned counsel has placed reliance on the decision of Apex Court in *Umesh Kumar vs. State of Uttar Pradesh (2013) 10 SCC 591* and *C.B.I. vs. Keshub Mahindra (2011) 6 SCC 216*. On these grounds, learned counsel has prayed for dismissal of the petition.

5. Learned counsel for the State also opposed the prayer made by petitioner by submitting that the complainant Richa Singh has made the complaint in the present case on 04.12.2013 in which name of petitioner is also mentioned. It is mentioned that on the date of incident, the petitioner was also present in the college. When police did not take any action on the said complaint, then she submitted an application under Section 156(3) of Cr.P.C. before the Court of J.M.F.C., Bhopal and as per order of said Court dated 10.02.2014, F.I.R. No.98/2014 was registered at P.S. Ratibad, Bhopal against the petitioner. It is



further submitted that the college has also conducted an internal enquiry in which it is found that the signature on the documents is not of complainant Richa Singh. It is further submitted that in the year 2013, the committee was constituted in which Anshuman Tiwari was the Chairman of the committee and the petitioner has made signature as a witness. It is further submitted that in this case there is ample evidence regarding Section 120-B of IPC against the petitioner. Hence, it is prayed for dismissal of the petition.

6. Heard learned counsel for the parties and perused the record.

7. The principles of exercising the jurisdiction under Section 482 of Cr.P.C. were laid down by the Hon'ble Supreme Court in *Supriya Jain v. State of Haryana*, 2023 SCC OnLine SC 765 : (2023) 7 SCC 711 wherein it was observed at page 716:-

"17. The principles to be borne in mind with regard to the quashing of a charge/proceedings either in the exercise of jurisdiction under Section 397CrPC or Section 482 CrPC or together, as the case may be, has engaged the attention of this Court many a time. Reference to each and every precedent is unnecessary. However, we may profitably refer to only one decision of this Court where upon a survey of almost all the precedents on the point, the principles have been summarised by this Court succinctly. In Amit Kapoor v. Ramesh Chander (2012) 9 SCC 460 : (2012) 4 SCC (Civ) 687 : (2013) 1 SCC (Cri) 986], this Court laid down the following guiding principles : (SCC pp. 482-84, para 27)"

27. ...27.1. Though there are no limits to the powers of the Court under Section 482 of the Code but the more the power, the more due care and caution is to be exercised in invoking these powers. The power of quashing criminal proceedings, particularly, the charge framed in terms of Section 228 of the Code should be exercised very sparingly and with circumspection and that too in the rarest of rare cases.

27.2. The Court should apply the test as to whether the uncontroverted allegations as made from the record of the case and the documents submitted therewith prima facie establish the offence or not. If the allegations are so



patently absurd and inherently improbable that no prudent person can ever reach such a conclusion and where the basic ingredients of a criminal offence are not satisfied then the Court may interfere.

27.3. The High Court should not unduly interfere. No meticulous examination of the evidence is needed for considering whether the case would end in conviction or not at the stage of framing of charge or quashing of charge.

27.4. Where the exercise of such power is absolutely essential to prevent patent miscarriage of justice and for correcting some grave error that might be committed by the subordinate courts even in such cases, the High Court should be loath to interfere, at the threshold, to throttle the prosecution in the exercise of its inherent powers.

27.5. Where there is an express legal bar enacted in any of the provisions of the Code or any specific law in force to the very initiation or institution and continuance of such criminal proceedings, such a bar is intended to provide specific protection to an accused.

27.6. The Court has a duty to balance the freedom of a person and the right of the complainant or prosecution to investigate and prosecute the offender.

27.7. The process of the court cannot be permitted to be used for an oblique or ultimate/ulterior purpose.

27.8. Where the allegations made and as they appeared from the record and documents annexed therewith to predominantly give rise to and constitute a “civil wrong” with no “element of criminality” and does not satisfy the basic ingredients of a criminal offence, the court may be justified in quashing the charge. Even in such cases, the court would not embark upon the critical analysis of the evidence.

27.9. Another very significant caution that the courts have to observe is that it cannot examine the facts, evidence and materials on record to determine whether



there is sufficient material on the basis of which the case would end in a conviction; the court is concerned primarily with the allegations taken as a whole whether they will constitute an offence and, if so, is it an abuse of the process of court leading to injustice.

27.10. It is neither necessary nor is the court called upon to hold a full-fledged enquiry or to appreciate evidence collected by the investigating agencies to find out whether it is a case of acquittal or conviction.

27.11. Where allegations give rise to a civil claim and also amount to an offence, merely because a civil claim is maintainable, does not mean that a criminal complaint cannot be maintained.

27.12. In the exercise of its jurisdiction under Section 228 and/or under Section 482, the Court cannot take into consideration external materials given by an accused for reaching the conclusion that no offence was disclosed or that there was the possibility of his acquittal. The Court has to consider the record and documents annexed therewith by the prosecution.

27.13. Quashing of a charge is an exception to the rule of continuous prosecution. Where the offence is even broadly satisfied, the Court should be more inclined to permit a continuation of prosecution rather than its quashing at that initial stage. The Court is not expected to marshal the records with a view to deciding the admissibility and reliability of the documents or records but is an opinion formed prima facie.

27.14. Where the charge sheet, reported under Section 173(2) of the Code, suffers from fundamental legal defects, the Court may be well within its jurisdiction to frame a charge.

27.15. Coupled with any or all of the above, where the Court finds that it would amount to an abuse of process of the Code or that the interest of justice favours, otherwise it may quash the charge. The power is to be exercised ex debito justitiae i.e. to do real and substantial justice for administration of which alone, the courts



exist.

27.16. These are the principles which individually and preferably cumulatively (one or more) be taken into consideration as precepts to exercise extraordinary and wide plenitude and jurisdiction under Section 482 of the Code by the High Court. Where the factual foundation for an offence has been laid down, the courts should be reluctant and should not hasten to quash the proceedings even on the premise that one or two ingredients have not been stated or do not appear to be satisfied if there is substantial compliance with the requirements of the offence."

8. Similar is the judgment in *Gulam Mustafa v. State of Karnataka, 2023 SCC OnLine SC 603* wherein it was observed:-

26. Although we are not for verbosity in our judgments, a slightly detailed survey of the judicial precedents is in order. In State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335, this Court held:

"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 noncognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

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

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

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

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will 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 and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its



whim or caprice.”

9. This position was reiterated in *Abhishek v. State of M.P. 2023 SCC OnLine SC 1083* wherein it was observed:

"15. The contours of the power to quash criminal proceedings under Section 482 Cr. P.C. are well defined. In V. Ravi Kumar v. State represented by Inspector of Police, District Crime Branch, Salem, Tamil Nadu [(2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In Neeharika Infrastructure (P). Ltd. v. State of Maharashtra [Criminal Appeal No. 330 of 2021, decided on 13.04.2021], a 3-Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482 Cr. P.C. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the 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 therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana v. Bhajan Lal [(1992) Supp (1) SCC 335], the Court would have jurisdiction to quash the FIR/complaint.

10. It is apparent from these judgments that power under Section 482 of Cr.P.C. can be exercised to prevent the abuse of process or secure the ends of justice. The Court can quash the F.I.R. if the allegations do not constitute an offence or make out a case against the accused. However, it is not permissible for it to conduct a mini-trial to arrive at such findings.

11. The Madras High Court also held in *Ganga Bai v. Shriram, 1990 SCC OnLine MP 213* that the fresh evidence is not permissible or desirable in the proceeding under Section 482 of Cr.P.C. It was observed:



“Proceedings under Section 482, Cr.P.C. cannot be allowed to be converted into a full-dressed trial. Shri Maheshwari filed a photostate copy of an order dated 28.7.1983, passed in Criminal Case No. 1005 of 1977, to which the present petitioner was not a party. Fresh evidence at this stage is neither permissible nor desirable. The respondent by filing this document is virtually introducing additional evidence, which is not the object of Section 482, Cr.P.C.”

12. The Andhra Pradesh High Court also took a similar view in *Bharat Metal Box Company Limited, Hyderabad and Others vs. G. K. Strips Private Limited and another, 2004 STPL 43 AP*, and held:

“9. This Court can only look into the complaint and the documents filed along with it and the sworn statements of the witnesses if any recorded. While judging the correctness of the proceedings, it cannot look into the documents, which are not filed before the lower Court. Section 482 Cr.PC debars the Court to look into fresh documents, in view of the principles laid down by the Supreme Court in State of Karnataka v. M. Devendrappa and another, 2002 (1) Supreme 192. The relevant portion of the said judgment reads as follows:

"The complaint has to be read as a whole. If it appears that on consideration of the allegations, in the light of the statement made on oath of the complainant that the ingredients of the offence or offences are disclosed and there is no material to show that the complaint is mala fide, frivolous or vexatious, in that event there would be no justification for interference by the High Court. When information is lodged at the Police Station and an offence is registered, then the mala fides of the informant would be of secondary importance. It is the material collected during the investigation and evidence led in Court, which decides the fate of the accused person. The allegations of mala fides against the informant are of no consequence and cannot by itself be the basis for quashing the proceedings".

13. A similar view was taken in *Mahendra K.C. v. State of Karnataka, (2022) 2 SCC 129; (2022) 1 SCC (Cri) 401* wherein it was observed at page 142:

“16. ... the test to be applied is whether the allegations in the complaint as they stand, without adding or detracting from the complaint, prima facie establish the ingredients of the offence alleged. At this stage, the High Court cannot test the veracity of the allegations nor for that matter



can it proceed in the manner that a judge conducting a trial would, on the basis of the evidence collected during the course of the trial.”

14. This position was reiterated in *Supriya Jain v. State of Haryana, (2023) 7 SCC 711: 2023 SCC OnLine SC 765* wherein it was held:

"13. All these documents which the petitioner seeks to rely on, if genuine, could be helpful for her defence at the trial but the same are not material at the stage of deciding whether quashing as prayed for by her before the High Court was warranted or not. We, therefore, see no reason to place any reliance on these three documents."

15. A similar view was taken in *Iveco Magirus Brandschutztechnik GMBH v. Nirmal Kishore Bhartiya, 2023 SCC OnLine SC 1258*, wherein it was observed:

"Adverting to the aspect of the exercise of jurisdiction by the High Courts under section 482, Cr. P.C., in a case where the offence of defamation is claimed by the accused to have not been committed based on any of the Exceptions and a prayer for quashing, is made, the law seems to be well settled that the High Courts can go no further and enlarge the scope of inquiry if the accused seeks to rely on materials which were not there before the Magistrate. This is based on the simple proposition that what the Magistrate could not do, the High Courts may not do. We may not be understood to undermine the High Courts' powers saved by section 482, Cr. P.C.; such powers are always available to be exercised ex debito justitiae, i.e., to do real and substantial justice for the administration of which alone the High Courts exist. However, the tests laid down for quashing an F.I.R. or criminal proceedings arising from a police report by the High Courts in the exercise of jurisdiction under section 482, Cr. P.C. not being substantially different from the tests laid down for quashing of a process issued under section 204 read with section 200, the High Courts on recording due satisfaction are empowered to interfere if on a reading of the complaint, the substance of statements on oath of the complainant and the witness, if any, and documentary evidence as produced, no offence is made out and that proceedings, if allowed to continue, would amount to an abuse of the legal process. This too, would be impermissible if the justice of a given case does not overwhelmingly so demand." (Emphasis supplied)



16. Therefore, it is not permissible to look into the material filed by the petitioner with the petition and the Court has to rely upon the FIR and the report submitted by the police.

17. It was submitted that the contents of the FIR are false and the same should be quashed. It was laid down by the Hon'ble Supreme Court in State of *Maharashtra v. Maroti*, (2023) 4 SCC 298: 2022 SCC OnLine SC 1503 that the High Court exercising the power under Section 482 of Cr.P.C. cannot examine the truthfulness, sufficiency and admissibility of the evidence. It was observed:

"21. If FIR and the materials collected disclose a cognizable offence and the final report filed under Section 173(2)CrPC on completion of investigation based on it would reveal that the ingredients to constitute an offence under the POCSO Act and a prima facie case against the persons named therein as accused, the truthfulness, sufficiency or admissibility of the evidence are not matters falling within the purview of exercise of power under Section 482CrPC and undoubtedly they are matters to be done by the trial court at the time of trial. This position is evident from the decisions referred to supra.

22. In the decision in M.L. Bhatt v. M.K. Pandita [M.L. Bhatt v. M.K. Pandita, (2023) 12 SCC 821: 2002 SCC OnLine SC 1300: JT (2002) 3 SC 89], this Court held that while considering the question of quashing of FIR the High Court would not be entitled to appreciate by way of sifting the materials collected in course of investigation including the statements recorded under Section 161CrPC.

23. In the decision in Rajeev Kourav v. Baisahab [Rajeev Kourav v. Baisahab, (2020) 3 SCC 317 : (2020) 2 SCC (Cri) 51], a two-judge Bench of this Court dealt with the question as to the matters that could be considered by the High Court in quashment proceedings under Section 482CrPC. It was held therein that statements of witnesses recorded under Section 161CrPC being wholly inadmissible in evidence could not be taken into consideration by the Court while adjudicating a petition filed under Section 482CrPC. In that case, this Court took note of the fact that the High Court was aware that one of the witnesses mentioned that the deceased victim had informed him about the harassment by the



accused, which she was not able to bear and hence wanted to commit suicide. Finding that the conclusion of the High Court to quash the criminal proceedings, in that case, was on the basis of its assessment of the statements recorded under Section 161CrPC, it was held that statements thereunder, being wholly inadmissible in evidence could not have been taken into consideration by the Court while adjudicating a petition filed under Section 482CrPC. It was also held that the High Court committed an error in quashing the proceedings by assessing the statements recorded under Section 161CrPC.

18. Similar is the judgment of the Hon'ble Supreme Court in *Manik B. Vs. Kadapala Sreyes Reddy and another* 2023 LiveLaw (SC) 642, wherein it was observed:

"6. Whether the testimony of the witnesses is trustworthy or not has to be found out from the examination-in-chief and cross-examination of the witnesses when they stand in the box at the stage of such trial.

7. Such an exercise, in our considered view, is not permissible while exercising the jurisdiction under Section 482 of Cr.P.C.

8. The scope of interference, while quashing the proceedings under Section 482 Cr.P.C. and that too for a serious offence like Section 302 of the Indian Penal Code is very limited. The Court would exercise its power to quash the proceedings only if it finds that taking the case at its face value, no case is made out at all.

9. At the stage of deciding an application under Section 482 of Cr.P.C. it is not permissible for the High Court to go into the correctness or otherwise of the material placed by the prosecution in the charge sheet. The High Court by the impugned order has done exactly the same."

19. It is the contention of learned senior counsel for petitioner that in the F.I.R., no specific role of petitioner is mentioned, therefore F.I.R. should be quashed. This contention cannot be accepted because it is settled law that F.I.R. is not an encyclopedia and cannot contain all the detailed particulars of the crime. It is for the Investigating Agency to collect material during



investigation. Therefore if in the F.I.R., there is no detail regarding the role of petitioner in the crime, then on this ground it cannot be held that the petitioner has no role in this matter.

20. It is also argued by learned senior counsel that at the time of incident, the petitioner was not member of the society as he has already resigned from the society, therefore no offence is made out against them. Per contra, learned counsel for the respondent No.2 has submitted that the petitioner has filed caveat before the concerned Court claiming himself to be Chairman of the society. Thus, in this case it is a disputed question of fact that during that period, the petitioner was member of the society or not. Such disputed question cannot be decided in a proceeding under Section 482 of Cr.P.C. and it will be decided by the Trial Court after recording of the evidence during trial.

21. It has been repeatedly held by the Hon'ble Apex Court that, while exercising jurisdiction under Section 482 of the Cr.P.C., the High Court should not undertake an appreciation of evidence or conduct a mini-trial. In *Aryan Singh (supra)*, the Hon'ble Supreme Court has held that, at the stage of discharge or quashing of criminal proceedings, the Court is not required to conduct a mini-trial.

22. In the present case, more than 24 witnesses have already been examined. Learned counsel for the respondent No.2 has submitted that during testimony of these witnesses, they have deposed against the petitioner. The truthfulness and credibility of these witnesses will be assessed by the Trial Court during appreciation of evidence. The High Court cannot appreciate the



truthfulness and credibility of these witnesses in a proceeding under Section 482 of Cr.P.C.

23. The Hon'ble Apex Court in *Aryan Singh* (supra) has further made it clear that, at the stage of quashing, the High Court is not required to examine whether the charges have ultimately been proved. The question as to whether the prosecution has been able to prove its case is required to be determined by the Trial Court on the basis of the evidence led during the trial.

24. Learned counsel for the respondents has also brought to the notice of this Court that another case of a similar nature Special Case No.C.B.I./60/2012 was registered against the petitioner in which he was convicted vide judgment dated 12.09.2023 by Special Judge, Special Court for Trial of C.B.I. Cases, Raipur (C.G.) under Sections 120-B of IPC and Section 7, 13(1)(d) and 13(2) of Prevention of Corruption Act and sentenced to undergo R.I. for three years for each section. The question as to whether the evidence adduced by the prosecution during trial is sufficient to prove its case will be decided by the Trial Court in accordance with law.

25. In the present case, more than 24 prosecution witnesses have already been examined. The trial is at an advanced stage. *[See decision of Apex Court in CB.I. vs. Maninder Singh in Criminal Appeal No.1496/2009, Rajeev Kourav vs. Baisahab AIR 2020 SC 909, decision of Bombay High Court in Siddique @ Suleman Mohamad Khan vs. State of Goa & Anr. 2020 ALL MR (Crl) 66, decision of High Court of Judicature at Allahabad in Abdul Wazid vs. State of U.P. passed on 04.09.2025, decision of High Court of Jharkhand in Rajesh Kumar & Ors. vs. State of Jharkhand passed in Cr.M.P.*



No.2767/2024, decision of High Court of Punjab & Haryana in Shamsher & Ors. vs. State of Haryana & Anr. passed in CRM-M-20877/2026, Deepak Gurjar vs. State of M.P. in MCRC. No.53901/2024 and decision of Coordinate Bench at Gwalior in Ravi Rajawat vs. State of M.P. in MCRC. No.15663/2025]

26. In view of the aforesaid facts and circumstances and particularly considering the advanced stage of the trial, this Court is of the considered opinion that no ground is made out for quashing the FIR or the criminal proceedings in exercise of the inherent jurisdiction under Section 482 of the Cr.P.C.

27. It is made clear that any observations made herein are only for the purpose of deciding the present petition and shall not be construed as an expression on the merits of the case. The learned Trial Court shall proceed with the matter uninfluenced by any observations made by this Court and shall decide the case strictly in accordance with law.

28. Accordingly, present petition stands dismissed.

(PRAMOD KUMAR AGRAWAL)
JUDGE