



RAJASTHAN HIGH COURT

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

सत्यमेव जयते

S.B. Criminal Miscellaneous (Petition) No. 5786/2025

Ashish Dave [REDACTED]
[REDACTED]
[REDACTED].

-----Accused/Petitioner

Versus

1.

The State Of Rajasthan, Through P.P.

-----Respondent
2.

Sanju Raju
Resident of [REDACTED]
Gautam Buddh Nagar, Uttar Pradesh (India).

-----Complainant/Respondents

For Petitioner(s)

:

Mr. V.R. Bajwa, Sr. Adv. assisted by
Ms. Savita Nathawat and
Mr. Amar Kumar

For Respondent(s)

:

Mr. Rajendra Prasad, Adv. General
assisted by
Mr. Tanay Goyal,
Mr. Rajesh Choudhary, GA-cum-AAG,
Mr. Vivek Choudhary, Dy.GA/PP and
Mr. Aman Kumar, AAAG
Mr. Vinod Sharma,
Ms. Neha Goyal
Mr. Tarun Agarwal
Mr. Satyam Chaturvedi
Ms. Mitali Kawa,
Ms. Annie and
Mr. Vikas Gonge (through VC)
Mr. Bala Ram, ACP, Ashok Nagar,
Jaipur

JUSTICE ANOOP KUMAR DHAND

Order

1. Dates of hearing and conclusion of arguments

20-21/11/2025
2. Date on which the judgment was reserved

21/11/2025
3. Whether the full judgment or only the operative
part is pronounced:

Full judgment
4. Date of pronouncement

26/11/2025



Reportable

INDEX

(1) PREFACE.....2

(2) FACTS OF THE CASE.....4

(3) SUBMISSIONS BY COUNSEL FOR PETITIONER.....4

(4) SUBMISSIONS BY ADVOCATE GENERAL.....8

(5) SUBMISSIONS BY COUNSEL FOR RESPONDENT9

(6) REJOINDER BY COUNSEL FOR PETITIONER.....9

(7) DISCUSSIONS, ANALYSIS & FINDINGS.....10

(8) CONCLUSION.....21

“Freedom of the Press is not just important, it is imperative for a functioning democracy.”

-John F. Kennedy.

PREFACE

In the world’s largest democracy, the freedom of speech and expression is the most crucial fundamental right conferred upon the citizens by the Constitution. The media is considered as the fourth pillar of democracy and it plays a vital role in a country’s social, political, economical and international affairs. Thus, it goes without saying that free press is a *sine qua non* for a democracy to survive and thrive and preserve the ethos of good and transparent governance.

Media is the voice of public at large and it plays a huge role in safeguarding the fundamental rights of the citizens. In India, media’s impact is massive- it brings out issues, highlights problem



and it can even influence the policy making decisions of the government.

The media, be it electronic or print media, is generally called the fourth pillar of democracy. The media, in all its forms, whether electronic or print, discharges a very onerous duty of keeping the people knowledgeable and informed. The impact of media is far-reaching as it reaches not only the people physically but also influences them mentally. It creates opinions, broadcasts different points of view, brings to the fore wrongs and lapses of the Government and all other governing bodies and is an important tool in restraining corruption and other ill-effects of society. The media ensures that the individual actively participates in the decision-making process. The right to information is fundamental in encouraging the individual to be a part of the governing process. The enactment of the Right to Information Act is the most empowering step in this direction. The role of people in a democracy and that of active debate is essential for the functioning of a vibrant democracy.

With this immense power, comes the burden of responsibility. With the huge amount of information that they process, it is the responsibility of the media to ensure that they are not providing the public with information that is factually wrong, biased or simply unverified information.

Media is called the "voice of the people" because it serves as a platform for citizens to express their views, opinions and concerns to the government and wider public. It provides a way to spread information, hold those in power accountable and shape



public opinion on important issues. However, this role is sometimes compromised by biased reporting or the spread of misinformation.

Media professionals are expected to avoid causing undue harm to anyone by way of threat or extortion, etc. This includes refraining from publishing or broadcasting the content, which constitutes harassment or defamation. Media professionals are expected to print and broadcast the true and correct information in the form of news. Media Professionals, Media Houses and Organizations are expected to adhere to core principles of journalism such as truth, accuracy and impartiality. They are not supposed to threaten anyone to extort anything by causing fear or pressure of incorrect reporting. This builds public trust and holds the press accountable for the information they disseminate.

FACTS OF THE CASE

1. By way of filing this petition, a prayers has been made to quash the impugned FIR No.257/2025 registered with the Police Station Ashok Nagar, Jaipur City (South) for the offences under Sections 308(2), 318(4) and 351(2) of the BNS, 2023.

SUBMISSIONS BY COUNSEL FOR THE PETITIONER

2. Learned counsel for the petitioner submits that a bare reading of the contents of the impugned FIR does not reveal commission of any cognizable offence. Counsel submits that as per the allegations levelled by the company i.e. Zee Media, in the impugned FIR, against the petitioner, certain complaints were received by the Company, which constitute the offence of cheating, criminal breach of trust, extortion and defamation.



Counsel submits that not a single victim of the alleged extortion has come forward to file complaint against the petitioner. Counsel submits that under these circumstances, no offence is made out. Counsel submits that the offences punishable under Sections 316 and 318 of the BNS are not made out, as there is no criminal breach of trust and there was no entrustment of property upon the petitioner and the so called goodwill of the complainant-Company does not amount to property, as defined under Section 2(21) of the BNS. He further submits that no person has been deceived, hence, under these circumstances ingredients of Section 318 of the BNS are missing in the impugned FIR. He further submits that all the alleged offences are antithetical to each other and the same do not exist or co-exist altogether. He submits that even the offence of extortion is not made out, after a bare reading of the contents of allegations levelled against the petitioner. He further submits that the word 'defamation' has been used and it has been alleged that by the acts of the petitioner, the complainant-Company has been defamed and its reputation has been harmed. He submits that defamation is a non-cognizable offence, for which the Police has power to investigate but a separate complaint is required to be filed for that purpose before the Court of law. However, instead of doing so, the impugned FIR has been registered against the petitioner. Counsel submits that goodwill of the complainant-Company cannot be extorted as alleged, hence, no offence is made out against the petitioner.

2.1. Counsel submits that the instant case falls within the parameters, as laid by the Hon'ble Apex Court in the case of **State**

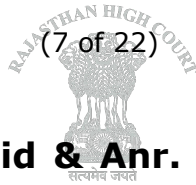


of Haryana Others vs. Bhajan Lal and Others reported in **1992 Supp (1) SCC 335** and the principles laid down in para 102 i.e. principles No.1 to 5 are clearly applicable in the facts and circumstances of the case, hence under these circumstances interference of this Court is warranted and the impugned FIR is liable to be quashed and set aside.

2.2. Counsel has also placed reliance upon the view taken by the Hon'ble Apex Court in the case of **Mehmood Ali and Others vs. State of U.P. and Others** reported in **(2023) 15 SCC 488**, wherein it has been held by the Hon'ble Apex Court that the allegations levelled in the FIR should be read between the lines. Counsel submits that as per the factual report of investigation, as carried out by the Investigating Officer and enclosed with the application submitted for vacation of stay order, certain statements of witnesses have been recorded and as per the statement of one such witness Deepak Modi, a sum of Rs.5,00,000/- was transferred directly in the account of Zee Media i.e. the complainant-Company, which speaks in volume about genuineness of the allegations levelled in the impugned FIR and indicates that there was some dispute between the employer and employee, for which the impugned FIR has been lodged against the petitioner.

2.3 In support of his contentions, counsel has placed reliance upon the following judgments:

"1.Salib @ Shalu @ Salim vs. State of U.P. and others reported in **(2023) 20 SCC 194** passed by the Hon'ble Apex Court.



[CRLMP-5786/2025]

2. **Mohammad Wajid & Anr. vs. State of U.P. and others** reported in **(2023) 20 SCC 219** passed by the Hon'ble Apex Court .

3. **Delhi Race Club (1940) Ltd and Others vs. State of U.P. and Others** reported in **2024 (10) SCC 690** passed by the Hon'ble Apex Court.

4. **Arshan Neyaz Khan vs. State of Jharkhand and Another** reported in **2025 SCC OnLine SC 2058** passed by the Hon'ble Apex Court.

5. **Rana Ram vs. State of Rajasthan and Another (S.B. Criminal Misc. (Pet.) No.4893/2024)** decided on **06.08.2025** passed by the Co-ordinate Bench of this Court at Principal Seat.

6. **Yunis and Anr. vs. State of U.P.** reported in **1999 SCC OnLine All 1389** passed by the Allahabad High Court.

7. **Mohammed Fisal @Fisal vs. State of Karnataka by Electronic City Police, Bangalore** reported in **2015 SC OnLine Kar 9777** passed by the High Court of Karnataka.

8. **Shaileshbhai Ranchhodbhai Patel and Another vs. State of Gujarat and Others** reported in **2024 SCC OnLine SC 5569** passed by the Hon'ble Apex Court.

9. **Ahbishek Vs. State of Madhya Praesh** reported in **2023 LiveLaw (SC) 731** passed by the Hon'ble Apex Court.

10. **Nasim Bano vs. State of U.P. through Principal Secretary Home, LKO and Others (Misc. Bench No.25222/2020).**

11. **Popular Muthiah vs. State** reported in **2006 (7) SCC 296** passed by the Hon'ble Apex Court."



2.4 Counsel submits that in view of the submissions made herein above, the registration of impugned FIR amounts to abuse of process of law and the same is liable to be quashed.

SUBMISSIONS BY ADVOCATE GENERAL

3. Per contra, learned Advocate General assisted by Mr. Rajesh Choudhary, Government Advocate opposed the arguments raised by counsel for the petitioner and submitted that the petitioner was Head of the Media House i.e. respondent complainant. Media is the voice of people/public at large and is responsible for protecting the fundamental rights of the citizens, as guaranteed under Article 19 of the Constitution of India. Counsel submits that being Head of the Media House, the petitioner has misused his position by threatening/extorting several persons for which several complaints were received and on the basis thereof, the impugned FIR has been lodged against the petitioner. Counsel submits that contents of the impugned FIR reveal commission of a cognizable offence and the allegations mentioned in the impugned FIR are required to be investigated by the Investigating Officer, hence, under these circumstances, interference of this Court is not warranted. He further submits that at this stage, this Court is not required to conduct a mini-trial under its inherent jurisdiction, contained under Section 528 of the BNSS. He further argued that the act of the petitioner amounts to yellow journalism and blackmailing, for which the impugned FIR has been registered.

3.1 In support of his contentions, learned Advocate General has placed reliance upon the judgment passed by the Hon'ble Apex



Court in the case of **Muskan vs. Ishaan Khan** reported in **2025 SCC OnLine SC 2355**.

SUBMISSIONS BY COUNSEL FOR RESPONDENT

4. Counsel for the complainant submits that when several complaints were received against the petitioner with allegations of extorting money from several vendors by him, a report was lodged in the form of FIR. Counsel submits that the FIR is not an encyclopedia. Registration of FIR, against the petitioner, reveals commission of a cognizable offence. He further submits that even a notice under Section 91 Cr.P.C. was also received by the complainant-Company from the Investigating Officer seeking explanation about receipt of a sum of Rs.4,90,000/-. Counsel submits that explanation of the same has been furnished to the Investigating Officer. Counsel submits that no allegation of *mala fide* has been levelled by the petitioner against anyone in this explanation. Hence, under these circumstances the petitioner cannot alleged the fact that the FIR has been lodged by the complainant company because of *mala fide*.

REJOINDER BY COUNSEL FOR PETITIONER

5. In rejoinder, Mr. Bajwa, Sr. Advocate submits that as per the arguments raised by the State Counsel, the impugned FIR was casually drafted. The allegations levelled in the impugned FIR are highly improbable and absurd, hence, the instant case falls within the principles of law, as laid down by the Hon'ble Apex Court in the case of **Bhajan Lal (supra)**. He further submits that the complainant is not a victim, as per the allegations levelled in the impugned FIR. The report was lodged at the instance of the





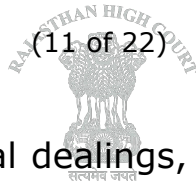
victims, who have not come forward against the petitioner by way of lodging any FIR. He further submits that law of pleadings does not say that mala fide is required to be pleaded in the petition. If the allegations levelled against the petitioner reveal mala fide, then certainly this argument can be raised. He further submits that in fact it is a dispute between the employee and the employer. When the services of the petitioner were ceased by the respondent, at that time also not a single averment with regard to any illegal act of the petitioner, has been mentioned in his cessation of employment letter. Lastly, he argued that there is no evidence available on the record that money so transferred in the account of the respondent-Company was towards the Head of any particular advertisement. Counsel submits that in view of the submissions made herein above, the impugned FIR is not sustainable and the same is liable to be quashed and set aside.

6. Heard and considered the submissions made at the Bar and perused the material available on the record.

DISCUSSIONS, ANALYSIS & FINDINGS

7. The instant petition has been submitted for quashing of the impugned FIR, registered against the petitioner by the complainant respondent No.2, wherein the following allegations have been levelled:

"Ashish Dave was employed with the company in the capacity of Channel Head-Zee Rajasthan Zee 24 Ghanta working at our Jaipur office. Ashish Dave has been associated with the company since 21.03.2023 and held a senior position overseeing editorial and operational decisions. This complaint is being made on the basis of internal findings and multiple complaints received by the Company, indicating a pattern of



unauthorized financial dealings, abuse of authority, and acts done with malafide intent to damage the reputation of the company. The Company has received reports indicating that Ashish Dave has misrepresented his authority and using the name of the Company to engage with external businesses, in an unethical and coercive manner. These communications suggest that Mr. Dave purportedly demanded monetary favours from various vendors and entities under the threat of broadcasting negative or damaging news content on the channels owned and operated by the Company. It has recently come to the knowledge of the Company, through multiple third-party complaints and communications, that he has allegedly abused his position and misused the Company's brand and media platform to pursue personal motives and exert undue pressure on external parties. It is specifically stated that Ashish Dave used the Company's news channels to broadcast negative, threatening, or defamatory content in an attempt to pressure others into complying with his personal demands. Pursuant to these threats, negative content has been aired and circulated through the Companys channels and associated digital platforms, thereby misrepresenting that such broadcasts were authorized and sanctioned by the Company. The Company categorically denies having authorized or endorsed any such actions, and affirms that such alleged conduct, if proven, is entirely personal in nature and in abuse of the authority and resources of the Company. These acts constitute a gross criminal misuse of the Companys platform and have caused irreparable harm to the Companys credibility, integrity, and reputation in the public domain. All complaints, communications, and supporting materials received in this regard have been compiled and are enclosed herein as Annexure A. These actions, in addition to the misuse of the platform noted above, have collectively resulted in substantial and irreparable harm to the Companys goodwill and standing in the industry. These acts by the accused, Ashish Dave, have resulted in substantial and irreparable harm to the Companys reputation, credibility, and goodwill in the industry. In view of the above mentioned facts, we respectfully request that an FIR be registered under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023, and any other





applicable laws, to initiate a thorough investigation into the financial and reputational harm caused, and to take appropriate legal action against Ashish Dave and any other individual responsible for these acts.”

7.1. Perusal of the contents of FIR indicate that multiple allegations have been levelled against the petitioner alleging that by abusing his authority, he demanded monetary favours from various vendors under the threat of broadcasting negative or damaging news content against them.

7.2. Upon this report, Crime No.257/2025 was registered with the Police Station Ashok Nagar, District Jaipur City (South) under Sections 308(2), 318(4) and 351(2) of the BNS of 2023. During the course of investigating, statements of several witnesses (complainants) were recorded against the petitioner and several of them have stated in their statements under Section 180 of the BNSS that illegal demand of money was made by the petitioner and they also gave money to him and co-accused persons under the threat of negative broadcasting of news against them. However, this Court is not going into the details of the allegations levelled against the accused, at this stage because any observation made by this Court, on the basis of the above statements of the witnesses, may prejudice the case of the prosecution or defence.

8. Several arguments have been raised by counsel for the petitioner, by giving reference to the specific provisions under which the impugned FIR has been registered against the petitioner. He has attempted to interpret these provisions in order



to make out a case that the same are not attracted, in the instant case.

9. After going through the contents of the impugned FIR, this Court is of the considered opinion that that the allegations levelled in the impugned FIR disclose commission of a cognizable offence, and the matter requires further investigation. While exercising its powers under Section 528 of BNSS, this Court is not supposed to make a roving enquiry and embark upon the probe to ascertain the genuineness and reliability of the allegations levelled in the FIR. Certainly, it would surely be a task to be undertaken by the Investigating Agency, therefore, this Court does not deem it just and proper to interfere in the course of investigation.

10. The Hon'ble Apex Court in the case of **Kaptan Singh Vs. State of U.P. and Ors.**, reported in **(2021) 9 SCC 35** has held as under:-

"9.1. ...If the petition under Section 482 Cr.P.C. was at the stage of FIR in that case the allegations in the FIR/Complaint only are required to be considered and whether a cognizable offence is disclosed or not is required to be considered. However, thereafter when the statements are recorded, evidence is collected and the charge-sheet is filed after conclusion of the investigation/inquiry the matter stands on different footing and the Court is required to consider the material/evidence collected during the investigation. Even at this stage also, as observed and held by this Court in catena of decisions, the High Court is not required to go into the merits of the allegations and/or enterin to the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial...."



11. It has been held by the Hon'ble Supreme Court in the case of **Dineshbhai Chandubhai Patel Vs. State of Gujarat & Ors.** reported in **(2018) 3 SCC 104** as under:-

"29. The High Court, in our view, failed to see the extent of its jurisdiction, which it possesses to exercise while examining the legality of any FIR complaining commission of several cognizable offences by the accused persons. In order to examine as to whether the factual contents of the FIR disclose any prima facie cognizable offences or not, the High Court cannot act like an investigating agency and nor can exercise the powers like an appellate court. The question, in our opinion, was required to be examined keeping in view the contents of the FIR and prima facie material, if any, requiring no proof.

30. At this stage, the High Court could not appreciate the evidence nor could draw its own inferences from the contents of the FIR and the material relied on. It was more so when the material relied on was disputed by the complainants and vice versa. In such a situation, it becomes the job of the investigating authority at such stage to probe and then of the court to examine the questions once the charge-sheet is filed along with such material as to how far and to what extent reliance can be placed on such material."

12. In the case of **Dr. Dhruvaram Murlidhar Sonar Vs. State of Maharashtra & Ors.** reported in **(2019) 18 SCC 191**, the Hon'ble Supreme Court has as under:-

"8. It is well settled that exercise of powers under Section 482 CrPC is the exception and not the rule. Under this section, the High Court has inherent powers to make such orders as may be necessary to give effect to any order under the Code or to prevent the abuse of process of any court or otherwise to secure the ends of justice. But the expressions "abuse of process of law" or "to secure the ends of justice" do not confer unlimited jurisdiction on the High Court and the alleged abuse of process of law or the ends of justice could only be secured in accordance with law, including procedural law and not otherwise.

....





13. It is clear that for quashing the proceedings, meticulous analysis of factum of taking cognizance of an offence by the Magistrate is not called for. Appreciation of evidence is also not permissible in exercise of inherent powers. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken, it is open to the High Court to quash the same in exercise of the inherent powers."

13. In **Kaptan Singh (supra)**, the Hon'ble Supreme Court has further held that:-

"9.3. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, we are of the opinion that the High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 Cr.P.C.

10. The High Court has failed to appreciate and consider the fact that there are very serious triable issues/allegations which are required to be gone into and considered at the time of trial. The High Court has lost sight of crucial aspects which have emerged during the course of the investigation.

12. Therefore, the High Court has grossly erred in quashing the criminal proceedings by entering into the merits of the allegations as if the High Court was exercising the appellate jurisdiction and/or conducting the trial. The High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 Cr.P.C.

14. In view of the above and for the reasons stated above, the impugned judgment and order passed by the High Court quashing the criminal proceedings in exercise of powers under Section 482 Cr.P.C. is unsustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. Now, the trial to be conducted and proceeded further in accordance with law and on its own merits. It is made clear that the observations made by this Court in the present proceedings are to be treated to be confined to the proceedings under Section 482 Cr.P.C. only and the trial Court to decide the case in accordance with law and on its own merits and on the basis of the evidence to be laid and without being influenced by any of the



observations made by us hereinabove. The present appeal is accordingly allowed.”

14. In **Daxaben vs. State of Gujarat and Others** reported in **2022 (16) SCC 117**, the Hon’ble Apex Court has held in paras 26, 27, 28 and 36 as follows:

“26. Even though, the inherent power of the High Court under Section 482 CrPC, to interfere with criminal proceedings is wide, such power has to be exercised with circumspection, in exceptional cases. Jurisdiction under Section 482 CrPC is not to be exercised for the asking.

27. In *Monica Kumar v. State of U.P.* [(2008) 8 SCC 781 : (2008) 3 SCC (Cri) 649], this Court held that inherent jurisdiction under Section 482 CrPC has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself.

28. In exceptional cases, to prevent abuse of the process of the Court, the High Court might in exercise of its inherent powers under Section 482 quash criminal proceedings. However, interference would only be justified when the complaint did not disclose any offence, or was patently frivolous, vexatious or oppressive, as held by this Court in *Dhanalakshmi v. R. Prasanna Kumar* [1990 Supp SCC 686 : 1991 SCC (Cri) 142 : AIR 1990 SC 494].

36. Offence under Section 306 IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482 CrPC is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482 CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case.”



15. On the aspect of the power of the Courts under Section 482 Cr.P.C., it is settled that at the stage of quashing of FIR, the Court is not required to conduct a mini-trial. Thus, the jurisdiction under Section 482 Cr.P.C. with respect to quashing of FIR 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, then the power under Section 482 should not be exercised.

16. This Court in the case of **State of Odisha v. Pratima Mohanty and Others** reported in **2022 (16) SCC 703** has held that:

"8.2. It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482 CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 CrPC are very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court."

17. Further, in the case of **Central Bureau of Investigation v. Aryan Singh and Others** reported in **2023 (18) SCC 399**, the Hon'ble Apex Court has held that at the stage of Section 482 of



the Cr.PC, the High Court is not required to conduct a mini trial.

The relevant portion of the judgment is reproduced as under:-

"6. From the impugned common judgment and order passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned trial court on conclusion of trial. 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 482 CrPC, the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency." (emphasis supplied)

18. The Hon'ble Supreme Court in the case of **Neeharika Infrastructure Private Limited vs. State of Maharashtra** reported in **2021 (19) SCC 407** gave following directions to the Courts while exercising the powers contained under Section 482 of the Cr.PC:

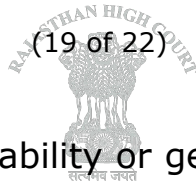
"33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the "rarest of rare cases" (not to be confused with the formation in the context of death penalty).

33.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an





enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

33.6

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8 to 33.11

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

33.13 and 33.14

33.15. When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR."

(emphasis supplied)

19. Further, this Court in the case of **State of Telangana v. Habib Abdullah Jeelani and Others** reported in **2017 (2) SCC 779** has held as under:

"13. There can be no dispute over the proposition that inherent power in a matter of quashment of FIR has to be exercised sparingly and with caution and when and





only when such exercise is justified by the test specifically laid down in the provision itself. There is no denial of the fact that the power under Section 482 CrPC is very wide but it needs no special emphasis to state that conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court.

14. In this regard, it would be seemly to reproduce a passage from Kurukshetra University [Kurukshetra University v. State of Haryana, (1977) 4 SCC 451: 1977 SCC (Cri) 613] wherein Chandrachud, J. (as his Lordship then was) opined thus : (SCC p. 451, para 2)

"2. It surprises us in the extreme that the High Court thought that in the exercise of its inherent powers under Section 482 of the Code of Criminal Procedure, it could quash a first information report. The police had not even commenced investigation into the complaint filed by the Warden of the University and no proceeding at all was pending in any court in pursuance of the FIR. It ought to be realised that inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whim or caprice. That statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases."

20. The contours of powers to quash the criminal proceedings by the High Court under Section 482 Cr.P.C. are well defined in various judgments passed by the Hon'ble Supreme Court. In **V. Ravi Kumar Vs. State** reported in **(2019) 14 SCC 568**, the Hon'ble Supreme Court has held that it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of allegations made in the complaint.

21. In **M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra** reported in **2021 SCC OnLine SC 315**, the Apex Court elaborately considered the scope and extent of powers 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. 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 allegations made therein. The parameters laid down by the Apex Court in celebrated judgments delivered in cases of **R.P. Kapur vs. State of Punjab** reported in **AIR 1960 SC 866** and **State of Haryana & Ors. Vs. Bhajan Lal & Ors.** reported in **1992 Supp. (1) SCC 335** have been reiterated.

CONCLUSION

22. The petitioner was the Head of the complainant-Company, i.e., Zee Media Company and in the impugned FIR, several allegations of commission of cognizable offence have been levelled against him. Hence it cannot be said that mere levelling of allegations does not constitute cognizable offence against him. The allegations are required to be investigated by the Investigating Agency. Thus, this Court is not inclined to quash the impugned FIR. The judgments relied upon by counsel for the petitioner are not applicable in the facts and circumstances of the case.

23. This Court finds that the allegations levelled against the petitioner in the impugned FIR constitute commission of a cognizable offence. Whether allegations made in the FIR against the petitioner are correct, genuine or true, the same is the subject-matter of investigation and the plea sought to be taken by the petitioner before this Court in respect of his innocence, is also



required to be considered by the Investigating Officer during the course of investigation. At this stage, when investigation of the allegations made in the impugned FIR is pending to be carried out, it cannot be said that involvement of petitioner in the impugned FIR is improbable or allegations levelled therein have been manifestly attended with *mala fides*, with an ulterior motive either for wreaking vengeance or to settle personal grudges or throw the petitioner out from employment. It cannot be held that if, allegations made in the impugned FIR are taken on their face value, they do not *prima facie* constitute any offence or do not make out a case against the petitioner.

24. In case the petitioner has any doubt about the fairness of the investigation, he may submit a representation in this regard before the Investigating Officer, who shall consider the same in accordance with law. In case, the Investigating Officer comes to the conclusion that a cognizable offence is made out against the petitioner, he shall issue a notice to the petitioner, as required under Section 35 of the BNSS.

25. With the aforesaid observations, the present criminal misc. petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

KuD/206