2024:CGHC:44099-DB

A F R

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1488 of 2023

Gurjinder Pal Singh S/o Parmajeet Singh Plaha Aged About 54 Years Occupation Director State Police Academy, Chandkhuri, Raipur (C.G.) 492101 R/o E-1, Vivekanand Nagar, Pension Bada, Behind Police Line, Raipur, District Raipur, C.G.

---- **Petitioner**

versus

1 - State Of Chhattisgarh Through Secretary, Home Department, Mantralaya Atal Nagar, Nava Raipur (C.G.)

2 - The Director General of Police Office Of Director General Of Police Near Mantralay, Sector-19, Neay Raipur (C.G.)

3 - Superintendent Of Police District Durg (C.G.)

4 - Station House Officer Police Station, Supela, District Durg (C.G.)

5 - Kamal Kumar Sen age 47 years, S/o Hari Narayan Singh R/o Surya Bihar, Bhilai, B-56, Phase II, Chowki Smritinagar Police Station Supela, District Durg, (C.G.)

---- **Respondents**

CRMP No. 2747 of 2023

Gurjinder Pal Singh S/o Paramjeet Singh Plaha, Aged About 51 Years Present Address E-1, National Highway Colony, Vivekenand Nagar, Pensionbada, Raipur 492001

----**Petitioner**

Versus

1 - State of Chhattisgarh Through Secretary, Home Department, Mantralaya Atal Nagar Nava Raipur Chhattisgarh.

2 - The Director General of Police, Office Of Director General of Police Near Mantralaya, Sector 19 New Raipur Chhattisgarh.

3 - Superintendent Of Police, Anti Corruption Bureau/Economic Offences Wing (ACB/EOW), Chhattisgarh, Raipur

4 - Station House Officer, Police Station, ACB/EOW, Chhattisgarh, Raipur

---- **Respondents**

CRMP No. 683 of 2024

Gurjinder Pal Singh S/o S Paramjeet Singh Plaha Aged About 55 Years R/o E-1, National Highway Colony, Vivekanandnagar, Pensionbada Raipur - 492001, District : Raipur, Chhattisgarh

----**Petitioner**

Versus

1 - State Of Chhattisgarh Through Secretary, Home Department, Government Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.

2 - The Secretary Law And Legislative Affairs Department, Government Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.

3 - Superintendent Of Police District Raipur, Chhattisgarh.

4 - The Station House Officer Police Station Kotwali District Raipur, Chhattisgarh.

---- **Respondents**

For Petitioners	**:**	Mr. Rajesh Garg, Senior Advocate (through Video Conferencing) and Mr. Himanshu Pandey, Advocates.
For Respondents/ State	**:**	Mr. Akhilesh Kumar, Government Advocate
For Respondent No. 5	**:**	Mr. Sanjay Kumar Agrawal, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

***Per* Ramesh Sinha, Chief Justice**

13.11.2024

1. Heard Mr. Rajesh Garg, Senior Advocate (through video conferencing) as well as Mr. Himanshu Pandey, learned counsel for the petitioner. Also heard Mr. Akhilesh Kumar, learned Government Advocate for the State/respondents, as well as Mr. Sanjay Kumar Agrawal, learned counsel for the respondent No. 5-Kamal Kumar Sen.

2. Since the petitioner, in all the three petitions, is common and the issues are inter-related and similar in nature, they are being heard and disposed of together by this common judgment.

3. In CRMP No. 1488 of 2023, the petitioner has prayed for following relief(s):

> *"(a) That the Hon'ble court may kindly be pleased to direct the respondent authorities to produce the entire record pertaining to the case of petitioner.*
>
> *(b) That this Hon'ble Court may kindly be pleased to quash the FIR bearing FIR No. 590 registered against the present Petitioner in P.S. Supela, District Durg, C.G. u/s 388, 384, 506 r/w 34 of the Indian Penal Code, 1860 as well as Chargesheet No.334/2022 and all consequent criminal proceedings in light of justice and equity.*
>
> *(c) That this Hon'ble court may further be pleased to pass any other order in favour of petitioner as it may deem fit and*

proper under the facts and circumstances of the case with cost."

4. In CRMP No. 2747 of 2023, the petitioner has prayed for following relief(s):

"(a) That the Hon'ble court may kindly be pleased to direct the Respondents authorities to produce the entire record pertaining to the case of Petitioner.

(b) That this Hon'ble Court may kindly be pleased to quash the order dated 04.08.2023 passed by the Ld Trial court wherein charges have been framed under sections 13(1) (E), 13(2) & 12 of PC act and Section 467, 471, 201 & 120B of IPC and all consequent criminal proceedings pertaining to case no. 01/2022 pending before concerned trial court in light of justice and equity.

(c) That, further Hon'ble court may quash the order dated 15.09.2023 and declare the Prosecution Sanction order no. 08/26/2022/21-A(Prose)/CG, Nava Raipur, dated 04.03.2022 under section 197 CrPC and Prosecution Sanction order no. 26011/18/2022-IPS.II dated 19.09.2022 under section 19 of PC act as illegal and void.

(d) That this Hon'ble court may further be pleased to pass any other order in favour of Petitioner as it may deem fit and proper under the facts and circumstances of the case with cost."

5. In CRMP No. 683 of 2024, the petitioner has prayed for following relief(s):

"(a) That the Hon'ble court may kindly be pleased to direct the respondent authorities to produce the entire record pertaining to the case of petitioner.

(b) That this Hon'ble Court may kindly be pleased to quash the FIR bearing FIR No. 134/21 lodged against the present Petitioner in P.S. Kotwali, District Raipur, C.G. u/s 124-A

and 153-A of the Indian Penal Code, 1860 and Charge sheet No.120/2021 and consequent criminal proceedings arising there from in light of justice and equity. [ANNEXURE P/1 (Colly)].

(c) That, this Hon'ble Court may kindly be pleased to quash the sanction order dated 18/08/2021 bearing No.08/72/2021/21-Ka(Abhi.)/ C.G. and sanction order dated 18/08/2021 bearing No.08/73/2021/21-Ka(Abhi.)/ C.G. [(ANNEXURE P/2 (Colly)].

(d) That this Hon'ble Court may kindly be pleased to direct an independent and impartial inquiry against the concerned official(s)/any other person(s) at whose instance the present criminal prosecution has been initiated and carried out;

(e) That this Hon'ble court may further be pleased to pass any other order in favour of petitioner as it may deem fit and proper under the facts and circumstances of the case with cost."

6. As per the petitioner, he belongs to 1994 batch of Indian Police Service and was initially allotted Madhya Pradesh cadre. On reorganization of the State of Madhya Pradesh, he was reallocated to the State of Chhattisgarh. He has been conferred with number of awards/medals by the Government in recognition of his committed and efficient services to the Police Department. He has served in naxal affected areas of State of Madhya Pradesh and Chhattisgarh as Inspector General of Police, Naxal Operations. He has been awarded "Police Medal for Gallantry" in the year 2007 and in the year 2011, he was awarded President's Police Medal for Meritorious Service.

7. An FIR bearing Crime No. 9/2015 was registered by the Anti Corruption Bureau of the State of Chhattisgarh in relation to the irregularities in Nagrik Apurti Nigam (for short, the NAN) which procures food grains.

Two diaries were recovered during the raids which contained particulars of illegal gratification paid to various Government functionaries and acronyms like “CM Sir” and “CM Madam” etc. which caused a political storm in the State. The charge sheet in the said FIR No. 9/2015 was filed before the concerned trial Court on 06.06.2015 and the trial commenced. On 17.12.2018, the political dispensation changed and another political party came into power and new Chief Minister took oath. On 08.01.2019, an order was issued by the General Administration Department (GAD) constituting Special Investigating Team (*for short, the SIT*) to re-investigate FIR No. 9/2015 on the request of Mr. Anil Tuteja who was the prime accused of NAN scam. The legality of the constitution of SIT was challenged by way of filing a public interest litigation being WP(PIL) No. 10/2019 before this Court wherein an interim order was passed on 15.02.2019 observing that the SIT may not act in a manner which was prejudicial to anybody till its status was finally decided by the Court. On 28.02.2019, the petitioner was appointed as Inspector General of Police, ACB/EOW and appointed as head of the said SIT vide order dated 11.03.2019. On 14.09.2019, he was called for a late-night meeting around 10 p.m. by the then Chief Minister and was instructed to implicate former Chief Minister and his wife on the basis of entries like "CM Sir" and "CM Madam" despite an interim order dated 15.02.2019 by this Hon'ble Court. On 10.05.2020, the petitioner was again called for a meeting and was again instructed to implicate the former Chief Minister. An unsigned Agenda containing hit list was handed over with an instruction to proceed against them by hook or crook. As the petitioner refused to accede to the illegal pressures, he was arbitrarily transferred on 01.06.2020. In order to teach the petitioner a lesson, on 29.06.2021, the ***first FIR*** No.22/2021 of Police Station, ACB/EOW was registered

under Section 13(1) (b) read with 13(2) of the Prevention of Corruption Act, 1988 (*for short, the PC Act*) on the basis of doctored/concocted source information. Thereafter, ACB conducted raid from 01.07.2021 to 03.07.2021 in the official residence of the petitioner. During the same period, the official residence of one Mani Bhushan, Branch Manager of the State Bank of India, Raipur, was also simultaneously raided, from whose scooty 2 kgs of gold bullions and some incriminating documents from his house were recovered which are alleged to be that of the petitioner. Charge sheet in the said FIR was filed on 08.03.2022.

8. Thereafter, a ***second FIR*** No. 0134/2021, was registered at Kotwali Police Station, Raipur under section 124A and 153A of the Indian Penal Code on 08.07.2021 on the basis of certain unendorsed torn pages recovered from storm drain outside the petitioner's house during the ACB raids in connection with FIR No. 22/2021 of PS ACB/EOW and a similar set recovered from the house of Mani Bhushan. In the said FIR also, charge sheet has been filed on 18.08.2021. The State, didn't Stop here and again the ***third FIR*** No. 590/2021, at PS Supela, Durg under Sections 388, 506 and 34 of IPC was lodged against him on 28.07.2021 for an alleged incident of 2016, on the complaint of one Kamal Kumar Sen, an accused of Crime No. 195/2015 dated 24.04.2015 of P.S. Mahasamund, District Mahasamund when the Petitioner was posted as supervisory officer as I.G.P Raipur Range. Here, charge sheet dated 23.05.2022 was filed for the offences under Sections 388, 384, 506 and 34 of the I.P.C without any prosecution sanction order under Section 197 Cr.P.C.

9. On the basis of same set of facts and documents departmental charge-sheet was issued to the petitioner under All India Services (D&A) Rules

1969 on 12.08.2021 and on 20.07.2023, on the basis of the same set of facts, documents and three FIRs as a ground, the petitioner was compulsorily retired from service by the Central Government on the recommendation of the State/respondent. The order dated 20.07.2023 was challenged by the petitioner before the learned Central Administrative Tribunal, New Delhi, on 30.04.2024 wherein the said order was set aside by the learned Tribunal which observed that the petitioner has been framed in all the three FIRs because he did not toe the illegal line of pressure from the political bosses. On 21.05.2024, on the direction of the Home Department, ACB submitted its comments to the reply of the petitioner to the departmental charge sheet dated 12.08.2021 wherein it has admitted that: (i) No investigation was carried out pertaining to the properties mentioned at serial No. 7 to 17 in the FIR 22/2021 of P.S. ACB/EOW (ii). From the video-graphy conducted by ACB of the raid proceedings at the residence of the petitioner, the facts regarding destruction of evidence like DVR, torn pieces of documents thrown by the petitioner etc. do not stand verified, and (iii) The torn pieces of documents recovered from the storm drain outside the house of the petitioner are unendorsed.

10. The State of Chhattisgarh, on 28.05.2024, forwarded a letter to the Central Government requesting it to comply with the Tribunal's order dated 30.04.2024 and reinstate the petitioner. The Central Government challenged the legality of the order dated 30.04.2024 of the learned Tribunal on 23.08.2024 by filing a petition before the Delhi High Court wherein the order of the learned Tribunal was upheld and the petition filed by the Central Government was dismissed.

11. Mr. Garg, learned Senior Advocate appearing for the petitioner submits that so far as Cr.M.P. No. 2747/2023 is concerned, in order to settle scores against him, a concocted FIR bearing Crime No. 22/2021, at PS ACB/EOW, under Sections 13(1) (B) read with 13(2) of the PC Act, 1988 was registered against him on the basis of doctored and manufactured source information report, in pursuance of which, on 01.07.2021 search was conducted in the official residence of the petitioner and a simultaneous search was conducted in the official residence of one, Mr. Mani Bhushan, a Branch Manager in SBI, Raipur. It is a matter of record that the properties at Sl. No. 7 to 17 listed in the said FIR (which were outcome of concocted source information) have no relationship with the petitioner and were included only to concoct the FIR. The ACB, in its letter dated 21.05.2024 has itself admitted that no investigation was carried out with respect to these properties and hence no documents are annexed with the charge sheet with respect to these properties. In the said search when nothing substantial was recovered from the residence of the petitioner, 2 kgs of gold bars were recovered from the scooty of Mani Bhushan on account of the petitioner which formed the basis of the DA case against him. Further, the DVR that recorded the recovery of 2 kgs of gold bars from the scooty of Mani Bhushan was seized and documents were forged in order to show a false chain of custody of the said DVR to the Bank Guard which is revealed from the letter dated 08.07. 2021 of DGM SBI to Director ACB. Maliciously in order to rope the petitioner, he was not given opportunity to file his explanation as mandated under the Act. Various documents revealing genuine source of income of the petitioner were maliciously suppressed in contrast to escalating expenditure by planting 2 KGs of gold and resorting to various other malicious acts like calculating

expenditure on official TA on account of the petitioner. Further, the note-sheets procured under the provisions of the RTI, shows that prosecution sanction order dated 04.03.2022 under section 197 of Cr.P.C was issued without approval of the Hon'ble Chief Minister in contravention of circular/Order No.1-1-2/2003/1/6, dated 26.05.2003 issued by GAD that codifies its procedure. Various document in favour of the petitioner were suppressed while recommending sanction under section 19 of the PC Act to the competent authority. The charge-sheet was filed on 08.03.2022 without mandatory sanction under section 19 of the PC Act. Further, without passing the cognizance order under section 190 Cr.P.C as well as compliance of Section 207 of Cr.P.C and further, without application of mind charges were framed.

12. According to Mr. Garg, the petitioner had duly communicated the IO on 06.01.2022 that his statements 1, 2, 3 explaining his assets were ready and would be submitted very soon after legal vetting. With regard to this again a representation was made before Secretary GAD vide letter dated 18.01.2022 but an invalid prosecution sanction was granted under Section 197 Cr.P.C. on 04.03.2022 and charge sheet was also filed before the trial Court concerned on 08.03.2022 for the offences under Sections 13(1)b, 13(2), 12 of the PC Act read with 120B, 201, 476, 471 of IPC without prosecution Sanction under section 19 of the PC Act. On 14.03.2022, the prosecution sanction proposal under Section 19 of the PC Act was sent to Government of India along with DOPT check list suppressing the information of representations dated 06.01.2022 and 18.01.2022 of the petitioner and as such, on 19.09.2022, the prosecution sanction order under Section 19 of the PC Act was issued against the petitioner on the basis of incomplete and suppressed material forwarded by the respondent. In this case, charges have also

been framed against the petitioner on 04.08.2023 for the offences under Sections 13(1)E, 13(2), 12 of PC Act read with 120B, 201, 476, 471 of IPC. One of the star witness Mr. Mani Bhushan from whom alleged 2 KGs of gold is recovered was examined and in his evidence he revealed how conspiracy was weaved to implicate the petitioner by planting gold and documents related to sedition and forcing him to depose against the petitioner. Not only the investigating agency made false recoveries, but also destroyed the CCTV footage that recorded the criminal act of the agency. On 27.03.2024, apart from the statement of star witness Mr. Mani Bhushan, an order was passed by Income Tax department related to proceedings in 2 KGs of gold recovered from Mr. Mani Bhushan being alleged as that of the petitioner wherein it has been categorically stated that the said gold does not belong to the petitioner. Even the ACB/EOW made an admission in its reply to the Home Department vide its letter dated 18.03.2024 stating that no investigation was carried out with respect to properties mentioned at Sl. No. 7 to 17 in the FIR 22/2021. Further, not a single document related to the said properties has been annexed in the charge-sheet dated 08.03.2024 and also in respect of section 201 IPC it is submitted that the alleged allegation do not stand verified in the videography.

13. Mr. Garg submits that the entire action of the State/respondents suffers from malice and is supported by the order dated 30.04.2024 passed by the learned Tribunal and further upheld by the affirmation of the order of the Tribunal by the Delhi High Court vide order dated 23.08.2024. The FIR No. 21/2021 registered at Police Station, ACB/EOW, is concocted one and the source information was doctored. The properties mentioned from Sl. No. 7 to 17 in the list of properties does not belong to the petitioner at all which is evident from the revenue records. The

properties were purchased when the petitioner was a student of Class IX. Even the Home Department's SSP, ACB vide his letter dated 21.05.2024 has admitted that no investigation was carried out pertaining to the said properties and as such, no documents were annexed in the charge sheet. Even the 2 KGs of gold bars recovered from Mr. Mani Bhushan who is the prosecution witness No. 4, was shown to be that of the petitioner without any rhyme or reason which shows the malafide intention of the investigating agency just to make out a case of disproportionate assets. This aspect has also been dealt with in detail by the Hon'ble Delhi High Court in its judgment. Further, material evidence by way of CCTV recording with respect to the recovery of 2 KGs of gold bars from the scooty of Mr. Mani Bhushan has been suppressed by the respondents. The respondents, in order to falsely implicate the petitioner in a case of disproportionate assets, have inflated the percentage of disproportionate assets and used a wrong formula and flouted the guidelines and circulars issued for calculation of percentage of disproportionate assets while filing charge sheet. Expenditure was maliciously inflated, genuine income of the petitioner was maliciously suppressed, and the petitioner has been deprived of opportunity to explain his income/expenditure and assets/liabilities as mandated under the law.

14. With respect to the prosecution sanction order, the procedure for grant of prosecution sanction is codified by circular dated 26.05.2003 issued by General Administration Department, Chhattisgarh of Chhattisgarh according to which Hon'ble CM is the competent authority to grant the final approval. However, notesheets related to the grant of prosecution sanction under section 197 of Cr.P.C in the instant case were procured by the petitioner from the Department of Law and Legislative Affairs

wherein it is clearly evident that there is no approval of Hon'ble Chief Minister on the said note-sheet.

15. No charges as mentioned in the order dated 04.08.2023 framing charges against the petitioner are made out for the offences punishable under Section 467, 471, 13(1)(E, 13(2) and 12 of the PC Act, 201 of IPC and 120B of IPC. The learned trial Court has not applied its mind while framing of charges as no cognizance was taken under Section 190 of the Cr.P.C. and the charge sheet was filed without any prosecution sanction under Section 19 of the PC Act. The petitioner was permitted vide order dated 19.07.2023 in WP(227) No. 223/2023 and WP(227) No. 191/2023 to file a fresh application under Section 307 Cr.P.C. and the learned Special Court was directed to dispose of the application in accordance with law. The petitioner on 04.08.2023 filed the said application but the same was not decided and charges were framed without complying with the mandate of Section 207 Cr.P.C.

16. With respect to Cr.M.P. No. 1488/2023, Mr. Garg submits that the third FIR being Crime No. 590/2021 was registered at Police Station, Supela, District Durg, under Sections 388, 506 read with 34 of IPC on 27.07.2021 bearing "0" number on the complaint of one Mr. Kamal Sen after an unexplained delay of more than 6 years, wherein it has been alleged that the petitioner while posted as IGP, Raipur Range had given assurance to complainant's wife through some middleman that he would not let the challan to be filed in 60 days in FIR No. 195/15, dated 23.04.2015 so that he can be entitled for default bail. The complainant Kamal Sen is an accused in FIR No. 195/15 of P.S. Mahasamund under Sections 467, 468, 471, 420, 120B of IPC registered on 23.04.2015 wherein it has been alleged that the tanker CG 04 HQ 4745 which was

carrying 28000 litre of furnace oil was changed and kept in Shubam Organic Industrial area Birkoni, Mahasamund and substituted by inferior quality of Furnace oil. Just after the arrest of the complainant Kamal Sen on 25.06.2016, the petitioner was transferred to Police Headquarters, Raipur on 11.07.2016 Therefore, there was no occasion to give such assurance to the complainant because the petitioner was no more the supervisory officer for exercising any authority over the concerned Police Station. Further, it is a matter of record that accused Kamal Sen who is complainant of FIR No. 590/21, P.S. Supela, Durg was released on bail by this Hon'ble Court vide order dated 13.02.2017 in MCRC No, 260/2017 only after depositing amount of Rs.8,16,299/- in the competent court. The said FIR is completely silent on aspect as to whether the complainant or anyone met petitioner to substantiate the aforesaid allegations.

17. It is argued by Mr. Garg that Section 197 of the Cr.P.C. stipulates that in case any offence is connected with the official duty of the Government servant then prior sanction of the competent authority is mandatory. In the instant case charge sheet was filed on 27.05.2022 in the concerned court and as the charge sheet did not contain the sanction order, therefore the petitioner moved an application dated 05.12.2022 the provisions of the Right to Information Act, 2005 (*for short, the RTI*) before the Ministry of Law and Legislative affairs, Government of Chhattisgarh to get the prosecution sanction order. Vide letter dated 29.12.2022, the Department informed the petitioner that it had not received any such proposal regarding prosecution sanction from the investigating agency. Further, the said Department directed the concerned District Magistrate and the Superintendent of Police to furnish the desired information to the petitioner. In response to the said

communication, SHO PS Supela informed vide letter dated 28.12.2022 that in compliance of provisions of Section 197 of Cr.P.C, the proceedings related to prosecution sanction in the instant case were kept aside. Therefore, it is revealed from the said letter, that the SHO instead of forwarding the file related to prosecution to the competent authority, himself decided not to proceed with it. As per the procedure codified by General Administration Department (GAD) vide Order No. F-1-2/2003/1/6, dated 26.05.2003 with regard to the cases of prosecution sanction of Government Servants, the Department of Law and Legislative Affairs is the competent authority to decide on it. Therefore, in the instant case, decision regarding the requirement of sanction taken by SHO PS Supela, Durg, is contrary to the Circular No. F1-2/2003/1/6, dated 26.05.2003 issued by GAD wherein it has been specifically mentioned that in respect of prosecution sanction under Section 197 Cr.P.C the competent authority is the Law and Legislative Department in co-ordiation with the Administrative Department of Government of Chhattisgarh. It is settled position of law that a government servant, accused of an offence, which is alleged to have been committed by him while acting or purporting to act in discharge of his official duty, the previous sanction under Section 197 of Cr.P.C of the competent authority is necessary. The alleged illegal act in the FIR has direct connection with the official duty of the petitioner and hence, the cognizance could not have been taken without proper prosecution sanction issued by the competent authority. The cognizance taken by the learned trial Court is contrary to settled principles of law. Therefore, this Hon'ble Court is well within the power to quash the proceedings for want of prosecution sanction, where the act committed has direct connection with the official duty.

18. It is further submitted by Mr. Garg that no offence is made out under Sections 388, 384, 506 of IPC. By no stretch of imagination the ingredients of the offence under Sections 388, 384, 506 of IPC are made out in the light of various judgments passed by the Hon'ble Courts of the country. In the instant case, no where it has been mentioned that the petitioner had put the complainant in fear of any injury or forced him to deliver any property Further, the complainant filed a CrMP No. 614/2021, dated 18.06.21 before this Hon'ble Court, for quashing of his charges and has further recorded his statement under section 313 of Cr.P.C in FIR No. 195/2015 of PS Mahasamund on 25.03.2023 before the concerned trial court. Strangely, on no occasion as mentioned above, he has revealed the story mentioned in the instant FIR No. 590/21 of being falsely implicated in FIR No. 195/15 of PS Kotwali, District. Mahasamund. Further, there is unexplained delay of six years without there being any explanation. If there are abnormal delay/latches in initiating criminal prosecution of more than 3 months in reporting the matter without satisfactorily explaining the reasons for delay, the proper course to be adopted by the police authorities is to register a preliminary inquiry and to inquire about the delay in lodging the FIR. However, in the instant case the same has not been followed. Furthermore, there is malice on the part of the State which is well recognized by the order passed by the learned Tribunal as well as Delhi High Court.

19. With respect to Cr.M.P. No. 683/2024, Mr. Garg submits that in pursuance of the FIR No. 22/2021, a search was conducted on 01.07.2021 in the official residence of the petitioner and Mr. Mani Bhushan. When nothing substantial was recovered from the residence of the petitioner, allegedly torn pieces of documents were recovered from a storm drain situated outside the official residence of the petitioner and on

rearranging it was found to be seditious in nature. Further, 2 kgs of gold bars were recovered from the scooty of Mani Bhushan and an orange envelope containing 10 pages allegedly seditious in nature were recovered from him. As per the prosecution story the alleged seditious contents of these 10 pages recovered from Mani Bhushan matched with that of the torn pages recovered from the storm drain outside the house of the petitioner. Therefore, on the basis of recovery of the said alleged seditious material in connection with the search proceedings connected with FIR No. 22/2021 of ACB, another FIR No. 0134/2021 was culled on 08.07.2021 at Kotwali Police Station, Raipur under Section 124(a) and 153(a) of the IPC against the petitioner. The said alleged documents which are said to be recovered from the storm drain were never produced before the concerned Trial court along with the charge sheet dated 18.08.2021 and without such document, the cognizance has been taken by the learned Magistrate. Mr. Mani Bhushan in his evidence dated 05.01.2024 related to FIR No. 22/2021 has deposed that no such orange envelope was recovered from him and the alleged signatures on the 10 pages also do not belong to him.

20. It is next submitted that the admissions have been made by the ACB in the departmental proceedings regarding non availability of evidence. On the same set of evidence/documents collected by ACB in FIR No. 22/2021, Departmental proceedings dated 12.08.2021 with identical charges were initiated against the petitioner. As per the charge No. 2 and 3 of the Departmental charge-sheet, it has been alleged that petitioner opened the door of his official residence after a delay of 45 minutes and during this intervening period, material evidence/documents have been destroyed and the same was thrown outside the residence of the petitioner. The petitioner submitted his reply to the Departmental

charge-sheet vide letter dated 16.02.2024 and 26.02.2024. In view of the reply submitted by the petitioner, the Home Department vide its letter dated 18 03.2024 sought detailed comments from ACB/EOW. The SSP ACB/EOW, vide its letter dated 21.05.2024 submitted its reply to the Home Department in which it has admitted that: (i) From the videography conducted by the ACB of the raid proceedings at the residence of the petitioner, the facts regarding destruction of evidence like torn pieces of documents thrown by the petitioner etc. do not stand verified. (ii) The torn pieces of documents recovered from the storm drain outside the house of the petitioner are unendorsed. Therefore, the entire story of prosecution of delay of 45 minutes in opening the gate and spotting the petitioner throwing the torn pieces of alleged seditious material is false and reflects that the said torn pieces were planted by the search team itself and again this fact is corroborated by the evidence of Mr. Mani Bhushan which was recorded in Trial No. 1/2022 before the learned Special Judge (ACB), Raipur, wherein he exposed the malafide and arbitrary conduct of the agency to rope the present petitioner in false case. The alleged recovery of torn pieces on the basis of which impugned FIR was registered and cognizance was taken by the concerned Magistrate after filing of charge sheet, were never produced before the competent court and without original documents criminal prosecution has been launched against the petitioner. This fact was revealed when the petitioner moved an application on 03.05.2024 before the JMFC Raipur for obtaining certified copy of the torn pieces which was rejected by the concerned court on the ground that original record is not annexed with the charge sheet. Therefore, certified copy of photocopy cannot be supplied as per rules. It is next submitted that the contents of the charge sheet do not constitute ingredients under

Sections 124A, 153A and 505(2) of IPC: From the contents of the entire charge-sheet, the ingredients which constitute the offence under section 124A, 153A and 505(2) of IPC are missing. Further, even if we assume the prosecution's mischievous interpretation to be true, though not conceded, in view of settled principles of law by no stretch of imagination, the alleged documents fulfill the ingredients which are necessary for making out offence under Section 124A, 153A and 505(2) of IPC. The prosecution sanction is also invalid as stated in the preceding paragraphs. In addition to the above, malafide is also one of the grounds seeking quashing of the FIR and the criminal proceedings emanating therefrom.

21. In support of his contentions, reliance has been placed by Mr. Garg on the decisions rendered by the Apex Court in case of ***Kedar Nath Singh vs. State of Bihar*** {AIR 1962 SC 955, Para 15 & 24 to 29}, ***State of Haryana v. Bhajan Lal***, {1992 Supp (1) SCC 335, Para 102}, ***Bilal Ahmed Kaloo V. State of A.P.*** **{**(1997) 7 SCC 431, Para 10, 11, 12 15 & 24}, ***Mohd. Ibrahim v. State of Bihar***, {(2009) 8 SCC 751, Para 10 to 13, 16 & 17}, ***Radheyshyam Kejriwal v. State of West Bengal and Anr.***, {(2011) 3 SCC 581, Para 26, 29, 38(vi) & 39}, ***Isaac Isanga Musumba and others v. State of Maharashtra***, {(2014) 15 SCC 357, Para 3 & 7}, ***D.T. Virupakshappa v. C. Subash***, {(2015) 12 SCC 231, Para 7 & 8}, ***D. Devaraja v Owais Sabeer Hussain***, {(2020) 7 SCC 695, Para 68, 69, 72, 73 & 74}, ***Ahmad Ali Quaraishi v. State of U.P.*** {(2020) 13 SCC 435, Para 13 to 19}, ***Hasmukhlal D. Vora v. State of T.N.***,{(2022) 15 SCC 164, Para 23 to 27}, ***Shri Sukhbir Singh Badal vs. Balwant Singh Khera and Ors***. {2023 SCC OnLine SC 522, Para 43 & 44 to 47}, ***Pushpendra Kumar Sinha v. State of Jharkhand***, {(2023) 11 SCC 636, Para 27}, ***Mahmood Ali and other v. State of***

U.P. {2023 SCC Online SC 950, Para 11, 13, 14 & 15}, the order dated 30.04.2024 passed by the learned Tribunal, New Delhi Bench in ***OA No. 2440/2024*** {paragraphs 24 to 30} and the judgment dated 23.08.2024 passed in ***WP(C) No. 10703/2024*** by Delhi High Court {Para 37, 38 & 39}. Mr. Garg would lastly submit that in view of the aforesaid submissions and pleadings, all the three FIRs, charge sheet, order framing of charge and the consequential criminal proceedings may be quashed, and all the reliefs as sought for in these three petitions may kindly be awarded to the petitioner.

22. On the other hand, Mr. Akhilesh Kumar, learned Government Advocate appearing for the State/respondents {in Cr.M.P. No. 1488/2023} submits that the on 27.07.2021 a written complaint was received at Police Chowki Smriti Nagar, Bhilai, against the petitioner upon allegations of extortion from the complainant/respondent No.5. The said complaint was registered by the Police Chowki, Smriti Nagar on 27.07.2021 bearing Crime No. 0/2021 and the same was transferred to the jurisdictional Police Station, Supela District Durg on 28/07/2021. It was accordingly on 28.07.2021 that, an FIR was registered against the petitioner bearing Crime No. 590/2021 for commission of the alleged offences punishable under sections 388, 506 read with section 34 of IPC. The investigation is being conducted in the said crime and in the process various statements have been recorded both of the complainant as well as that of witnesses. Statements have also been recorded before the competent Judicial Magistrate and the same is also part of the Case Diary. Upon recording of statements, it transpired that the ingredients for commission of offence under section 384 of the IPC are also present accordingly Section 384 of the IPC was also added to the alleged offences for which investigation is being carried out, on 13.09.2021. There is a clear consistent statement

by the complainant, his wife and the other witnesses for having paid a sum of Rs. 20 Lakhs to the petitioner. There is a money trail as to how the amount was arranged, which *prima facie* at this stage of investigation supports the allegations leveled in the FIR against the petitioner. A bare perusal of the complaint would clearly demonstrate that there are ingredients in the said complaint, which makes out a cognizable offence against the petitioner and it is on account of the said fact that an FIR has been registered strictly in accordance with law. The petitioner has made all sort of misconceived and frivolous allegations, which at best can be said to be the defence of the petitioner, but then the said defence on part of the petitioner cannot be looked into by the Hon'ble Court at the time of proceeding/investigation. The investigation in a criminal offence after registration is the prerogative of the investigating agency as to the manner and the mode in which the same is to be conducted. It is trite law that the accused does not have a right to interfere investigation done by the police and mode in which it is to be conducted.

23. Mr. Akhilesh further submits that after registration of the FIR the police recorded the statement of the complainant and other witnesses under Section 161 of Cr.P.C. and after due investigation prima facie cognizable offence is made out against the present petitioners and accordingly the Final Report under section 173 of the Code of Criminal Procedure has been filed before the Court of Learned Chief Judicial Magistrate, Durg, vide Challan No. 334/2022 dated 23.05.2022 for the offence punishable under sections 388, 384, 506, 34 of IPC against the petitioner. In the instant case the Ingredient of aforesaid offences are made out against the petitioner. Reliance is placed on the judgment of the the Hon'ble Supreme Court in the Criminal Appeal Nos. 1025-1026

of 2023 (@SLP (CRL.) Nos.12794- 12795 of 2022), ***Central Bureau of Investigation Vs. Aryan Singh Etc***. and ***State of Haryana v. Bhajanlal*** {(AIR 1992 Supreme Court 604}, ***M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra*** {AIR 2021 SC 1918},***State of Telangana Vs. Habib Abdullah Jeelani & Others*** {reported in (2017)2 SCC 779} and accordingly prays for dismissal of the petition.

24. So far as Cr.M.P. No. 2747/2023 is concerned, Mr. Akhilesh Kumar submits that the petitioner has preferred the instant petition seeking indulgence of this Hon'ble Court invoking the inherent jurisdiction under section 482 of the Cr.P.C. Unfortunately the petitioner has preferred the instant petition with sheer malafide intent to protract and delay the trial itself on the incorrect submission that the State/respondent have not complied with the statutory compliance under Section 207 of the Code of Criminal Procedure. The entire efforts on the part of the petitioner in preferring the instant petition is to prolong, defer and protract the criminal trial in Special Criminal Case No. 01/2022 which is pending before the Learned Special Judge, Raipur. Charge sheet against the petitioner was submitted on 08.03.2022 and the sanction for prosecution was received from the Central Government on 19.09.2022. The charge sheet having been filed on 08.03.2022, a complete copy of the same was duly supplied to the petitioner to which the petitioner did not raised any objection and accepted the same without any demur and objection. There was no objection raised by the petitioner alleging non compliance of Section 207 of the Cr.P.C. at any point of time until the matter was fixed for framing of the charges. All during this while, the petitioner was satisfied with the supply of the charge sheet and the documents received in compliance of Section 207 of the Cr.P.C. This petition is a sequel of

proceedings which culminated by the conclusive order passed by this Hon'ble Court vide order dated 19.07.2023 passed in WP(227) No. 191/2023 and WP (227) No. 223/2023. All the objections raised by the petitioner were duly considered and addressed by the Hon'ble Court and the claim raised by the petitioner were finally settled. The petitioner has again preferred the application under Section 207 of the Cr.P.C. to defer the proceedings of Trial and the framing of the charges. It was with the said intent that a fresh application under section 207 of the Cr.P.C. was preferred by the petitioner before the Learned Special Court on 04.08.2023 requesting for deferment of framing of charges. Charges were framed on 04.08.2023 against the petitioner and the matter was proceeded for recording of evidence of the witnesses vide order dated 04.08.2023. The charges have already been framed against the petitioner vide order dated 04.08.2023 and the same has attained finality as the petitioner did not prefer any challenge to the framing of the said charges. Furthermore, the trial has also commenced and the number of witnesses have already been examined and cross-examined. The petitioner is already in possession of the entire copy of the charge sheet and there is neither any prejudice caused to the petitioner since he had already argued on charge before the learned trial Court based on the charge sheet available with him as well as based on the charge sheet filed in Court and further that strict compliance of Section 207 of the Cr.P.C. has already been made by the prosecution. In light of the fact that the trial has already commenced and the petitioner has participated in the trial, the instant petition having been preferred with a malafide intent to protract the trial may kindly be rejected, in the interest of justice. The petitioner had already preferred a petition assailing the order dated 04.08.2023 before this Hon'ble Court bearing Cr.M.P. No. 1895/2023,

and the same is pending adjudication before this Hon'ble Court wherein the State/respondents had filed an application for raising preliminary objection seeking disposal of the said case and therefore the second petition on the same cause is not maintainable on the principle of *res judicata* and therefore the same deserves to be dismissed on this ground alone.

25. So far as Cr.M.P. No. 683/2024 is concerned, Mr. Akhilesh Kumar, learned Government Advocate appearing for the State submits that FIR was registered against the petitioner on the basis of a written complaint made by the complainant Mohsin Khan, Incharge Police Station Kotwali, Raipur. After registration of FIR, the investigating agency conducted investigation in the matter and filed charge sheet before the court below alongwith material evidences and documents, which prima-facie establish the commission of alleged offence by the petitioner. Section 154 of Cr.P.C. suggests that the information regarding commission of cognizable offence shall be reduced into writing by the Officer-in-Charge of the Police Station, therefore, upon receiving the information by the concerned Station House Officer of Police Station City Kotwali, District Raipur (CG) the FIR was registered about an incident which constitute a cognizable offence. It hardly gives any discretion to the said police officer. The twofold obligation upon such officer is that: (a) he should receive such information, and (b) record the same as prescribed. The language of Section 154 Cr.P.C imposes such imperative obligation upon the officer. The genesis of this provision in our country in this regard is that the officer-in- charge must register the FIR and proceed with the investigation forthwith. After registration of offence, the investigating agency conducted investigation in the matter and filed charge sheet before the learned Trial Court. Before filing charge sheet

against the petitioner, the respondent authorities made proposal before the Law and Legislative Affairs Department, Government of Chhattisgarh alongwith evidences and documents, wherein, after going through with the evidences, the Law and Legislative Affairs Department, Government of Chhattisgarh accorded sanction for prosecution against the petitioner in exercise with the provisions of section 196(1) of the Cr.P.C. vide order dated 18.08.2021. In a catena of decisions, it has been upheld by the Hon'ble Supreme Court that the investigation cannot be preempted by the court of law, which would amount interference in the investigating power vested with the police authorities. So far as the question of malafide exercise of power is concerned, it is settled principles of law that the question of malafide exercise of powers can only be determined after the charge sheet is filed. In the case in hand, the matter is under investigation, therefore, the allegation of malafide exercise of power, cannot be considered at this stage. Subsequent to filing of final report /charge sheet, the learned Trial Court, after appreciating the evidences and records, taken cognizance in the matter accepted the same and framed the charges against the petitioner for commission of offence punishable section 124(A) and 153(A) of IPC. Thereafter, further proceeding has been initiated by the learned Trial Court, which is pending adjudication before the learned Trial Court. Since the charge sheet has been filed and the criminal case has been registered by learned Trial Court being Criminal Case No. 6952/2021 dated 23.08.2021 and now the trial would be conducted by the Trial Court, therefore, at this stage, the petitioner has an alternative and efficacious remedy to adduce evidences in order to prove their innocence, therefore, in view of the aforesaid remedy available to the petitioner the instant petition is not maintainable and liable to be dismissed. Reliance is

placed on the decision of the Supreme Court in ***State of Orissa & Ors. v. Ujjal Kumar Burdhan*** {2012 4 SCC 547}, ***Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre*** {(1988) 1 SCC 692}.

26. Mr. Sanjay Agrawal, learned counsel appearing for the respondent No.5/ complainant {in Cr.M.P. No. 1488/2023} submits that the respondent/ Complainant made a complaint before the Police Station Supela, District Durg against the petitioner and other accused person and on the basis of same, an FIR under aforesaid Sections of the IPC has been registered against the present petitioner and other accused person, as prima facie, the respondent-Police authorities are obliged to register an FIR as per law and there is no infirmity or illegality in the same and the same is strictly in accordance with law. After registration of the FIR, the matter has duly been investigated and after due investigation in the matter, the charge sheet has been filed by the concerned Police Station against the accused persons before the Competent Court of law. The Police has registered FIR on the basis of the written complaint made by the respondent/complainant against the petitioner and other accused person on disclosing commission of cognizable offence committed by them. The scope of interference of the Hon'ble High Court under Section 482 of the Cr.M.P. is limited and in the catena of judgment, the Hon'ble Apex Court has held that, if the FIR prima facie discloses the commission of offence, the Hon'ble Court should be reluctant to interfere for quashing the FIR at the stage of investigation. It is further held that, the legal position is well settled that, if an offence is disclosed, the Court will not normally interfere with an investigation into the case and will permit investigation into the offence alleged to be completed and if the FIR, prima facie, discloses the commission of an offence, the Court does not normally stop the investigation, for, to do so would be to trench upon

the lawful power of the Police to investigate into cognizable offence, therefore, at this early stage, the relief of quashment of FIR cannot be granted to the petitioner. The quashment of FIR or framing of charges is an extra ordinary jurisdiction and inherent jurisdiction of the Hon'ble Court can be exercised only in a case where; (i) to give effect to any order under this Code; (ii) to prevent abuse of the process of any Court or, (iii) otherwise to secure the ends of justice. The Hon'ble Supreme Court has recently reiterated the said preposition of law in matter of ***Amish Devgan Vs. Union of India & Others***, {2020 SCC Online SC 994}. After due investigation in the matter by the Investigating Agency, the charge sheet has duly been filed against the accused persons including the present petitioner before the Competent Court below and the trial has also been commenced and if the petitioner is aggrieved by the same, then the petitioner has right to challenge the same by filing a suitable revision against such proceeding of framing of charges. Thus, the instant petition is highly belated as the trial is already commenced, hence, the present petition is not maintainable on the ground of delay as well as alternate remedy available to the petitioner. Further, the petitioner can very well take their defense before the Trial Court proving his innocence. Hence, he prays for dismissal of these petitions.

27. We have heard learned counsel for the parties, perused the pleadings and documents appended thereto.

28. This court, while hearing these petitions, had granted interim order to the effect that further criminal proceedings against the petitioner pursuant to the impugned FIR shall remain stayed vide order dated 01.05.2024 in Cr.M.P. No. 1488/2023 and vide order dated 10.05.2024 in Cr.M.P. No.

683/2024. However, there was no stay order in respect of Cr.M.P. No. 2747/2023..

29. To cut short the issue involved in these petitions, the gist of the three petitions is that three FIRs have been registered against the petitioner and that too, only after coming of the another political party into power on 17.12.2018. The first FIR was registered on 29.06.2021 for the offence under Section 13(1)(b) read with Section 13(2) of the PC Act. The second FIR being No. 0134/2021 was registered at Kotwali P olice Station, Raipur, under Section 124(a) and 153(a) of the IPC on the basis of alleged recovery of torn pages from the storm drain allegedly containing seditious content. The third FIR was lodged on 28.07.2021 on a complaint made by one Kamal Kumar Sen under Sections 388, 506 and 34 of the IPC after a lapse of about 6 years alleging that the petitioner would help him in getting out on default bail by not letting the IO of that case to file the charge sheet within time.

30. On 12.08.2021, departmental charge sheet was issued on the same set of facts and documents which form the basis of charges in criminal cases. No enquiry officer could be appointed till date even after passage of more than three years. When the departmental enquiry could not be taken to its logical conclusion, with an ulterior motive, in order to inflict punishment, the petitioner was compulsorily retired vide order dated 30.07.2023. The said order was challenged by the petitioner before the learned Tribunal which has been allowed and the order of compulsory retirement has been set aside. The observations made by the learned Tribunal is reproduced below:

> *“45. In the facts and circumstances enumerated above, we are of the opinion that the applicant, has been retired compulsorily as a punitive measure. We also find that the order of*

compulsory retirement has been passed as a shortcut to avoid the departmental inquiry. The impugned order, retiring the applicant compulsorily, cannot be sustained in the eyes of law."

31. From the above, it appears that the State could not establish its case even before the Tribunal as it had no concrete material to support its allegations against the petitioner. The State Government, vide letter dated 28.05.2024 addressed to the Central Government recommended for reinstatement of the petitioner in compliance of the order of the Tribunal. Instead of complying with the order of the Tribunal, the Central Government challenged the same before the Delhi High Court but the same was dismissed vide judgment dated 23.08.2024. It would be beneficial to quote the relevant part of the said order which reads as under:

"*37. It is also worth to note here that three other IPS officers against whom inquiries were initiated along with respondent No.1, their names were dropped for one reason or the other but respondent No.1 has been roped in for the offences which do not even stand substantiated.*

38. This Court now proceeds to examine other FIRs registered against respondent No.1.

I. On 29.06.2021, Anti-Corruption Bureau / EOW got registered FIR No.22/2021, under Section 13 (1) (b) read with Section 13 (2) of the Prevention of Corruption Act, 1988 against respondent No.1 for allegedly owning disproportionate assets, pursuant to raids conducted at the residence of said respondent for recovery of 2Kg of gold bullions in aid of Mani Bhushan, a SBI Officer, who was not even made an accused despite being a Government Servant. In respect of this recovery, proceedings under Section 143 (2) of Income Tax Act, 1961 were also initiated. Relevantly, in response to his summons dated 03.01.2024, Mani Bhushan vide his reply dated 16.01.2024, stated as under:-

"In reference to the above cited notice I beg to state that I was served a notice to appear on 10.01.2024 related to my deposition on

> *15.11.2021 in Income tax office Raipur with regard to recovery of 2 kgs of gold bullions from my scooty parked in SBI colony in Shankar Nagar, Raipur. In reply to the above notice I attached my truthful deposition during cross examination dated 05.01.2024 before the Ld ADJ-1, District Court, Raipur wherein I have clearly stated, how I was threatened with implication in false FIRs and subjected to both physical and mental torture to be a forced witness to implicate G P Singh in a false case. The above torture was not only limited to myself but extended to my whole family. It will be pertinent to mention that as my scooty where the said gold bullions were planted was parked in an area which was covered by CCTV surveillance, the act of planting these gold bullions was captured in the said DVR of the CCTV system installed in said colony. ACB officials on knowing that their act has been captured in the CCTV footage forcibly took away the said DVR from the bank guard without giving any receipt of seizure. As per my understanding, subsequently on insistence by the bank guard to give a receipt of the above seizure, the ACB officials made a trail of fabricated documents to show that the said DVR along with the hard disk was returned to the bank guard. The administrative office of SBI on knowing these facts shot a letter to the Director ACB to furnish the receipt of the hard disk that was surreptitiously taken away the ACB officers and not returned. This hard disk is crucial and sure shot evidence that will unfurl truth of recovery of this 2 kgs of gold bullions from my scooty. In fact I am also victim of this entire criminal conspiracy of the officials of ACB/EOW Chhattisgarh.*

Relevantly, pursuant to aforesaid statement made by Mani Bhushan and verification of the allegations, proceedings against the respondent No. 1 were closed.

> *II. With regard to FIR bearing No.134/2021, registered on 08.07.2021 under Sections 124A, 153A, 505(2) of the Indian Penal Code (IPC), 1860 on the ground of seditious material; pursuant to statement of Mani Bhushan and his cross- examination it revealed that there was no recovery of seditious material from*

respondent No.1. The Tribunal thus held that this FIR was registered against respondent No.1 at the behest of higher authorities of the State Government as he did not toe the line of pressure.

III. In respect of FIR bearing No.590/2021, registered on 28.07.2021 under Sections 384, 388 and 506 read with Section 34 of IPC, 1860 on an incident, the Tribunal observed that the Zero FIR was registered after the alleged incident had taken place six years ago and there is no explanation for delay in registration of the FIR.

39. It is relevant to note here that proceedings in all the above three FIRs were stayed by the High Court of Chhattisgarh and without waiting for the outcome, order compulsory retiring respondent No.1 has been passed by the petitioner as a short cut method without even waiting for conclusion of departmental proceedings. Accordingly, the Tribunal has rightly observed that the competent criminal court can decide the criminal case independently on its own merit and by observing so, has refrained itself from making observations on the merits of the FIRs.

40. What is clinching is that despite delay of three years, even Enquiry Officer was not appointed in the department proceedings and the learned Tribunal has taken serious note of this fact in the impugned judgment, which in our opinion is just and proper in the facts of the present case. The petitioners have not been able to show anything adverse in the service record of respondent No.1. The filing of various FIRs, are premised upon alleged recovery made from Mani Bhushan pursuant to raids conducted at his premises. In light of the statement of Mani Bhushan, a SBI Officer, the allegation against respondent No.1 do not appear to be such strong to direct compulsory retirement of respondent No.1.

41. Having noted above the totality of facts of the present case, we are of the opinion that the impugned order dated 30.04.2024 passed by the learned Tribunal suffers from no infirmity and thus, the present petition and pending applications are dismissed."

32. The Supreme Court, in ***Bilal Ahmed Kaloo*** (supra), observed as under:

"*10. Section 153A was amended by the Criminal and Election Laws (Amendment) Act 1969 (Act No. 35 of 1969). It consists of three clauses of which clauses (a) and (b) alone are material*

now. By the same amending Act sub-section (2) was added to Section 505 of the Indian Penal Code. Clauses (a) & (b) of Section 153A and Section 505(2) are extracted below:

> *153-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.- (1) Whoever -*
>
> *(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or*
>
> *(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, or*
>
> *(c) * * **
>
> *shall be punished with imprisonment which may extend to three years, or with fine, or with both."*
>
> * * *
>
> *505(2) Statements creating or promoting enmity, hatred or ill- will between classes.- Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both."*

The common ingredient in both the offences is promoting feeling of enmity, hatred or ill-will between different religious or racial or linguistic or regional groups or castes or communities. Section 153A covers a case where a person by "words, either spoken or written, or by signs or by visible representations" promotes or attempts to promote such feeling. Under Section 505(2), promotion of such feeling should have been done by making and publishing or circulating any statement or report containing rumour or alarming news.

11. This Court has held in Balwant Singh vs. State of Punjab (1995 3 SCC 214) that mens rea is a necessary ingredient for the offence under Section 153A. Mens rea is an equally necessary postulate for the offence under Section 505(2) also as could be discerned from the words "with intent to create or promote or which is likely to create or promote" as used in that sub-section.

12. The main distinction between the two offences is that while publication of the words or representation is not necessary under the former, such publication is sine qua non under Section 505. The words "whoever makes, publishes or circulates" used in the setting of Section 505(2) cannot be interpreted disjunctively but only as supplementary to each other. If it is construed disjunctively, any one who makes a statement falling within the meaning of Section 505 would, without publication or circulation, be liable to conviction. But the same is the effect with Section 153A also and then that Section would have been bad for redundancy. The intention of the legislature in providing two different sections on the same subject would have been to cover two different fields of similar colour. The fact that both sections were included as a package in the same amending enactment lends further support to the said construction.

* * *

15. The common feature in both sections being promotion of feeling of enmity, hatred or ill-will "between different" religious or racial or linguistic or regional groups or castes and communities it is necessary that at least two such groups or communities should be involved. Merely inciting the felling of one community or group without any reference to any other community or group cannot attract either of the two sections.

* * *

24. Before parting with this judgment, we wish to observe that the manner in which convictions have been recorded for offences under Section 153A, 124A and 505(2), has exhibited a very casual approach of the trial court. Let alone the absence of any evidence which may attract the provisions of the sections, as already observed, even the charges framed against the appellant for these offences did not contain the essential ingredients of the offences under the three sections. The appellant strictly speaking should not have been put to trial for those offences. Mechanical order convicting a citizen for offences of such serious nature like sedition and to promote enmity and hatred etc. does harm to the cause. It is expected that graver the offence, greater should be the care taken so that the liberty of a citizen is not lightly interfered with."

33. With regard to grant of sanction under Section 197 of the Cr.P.C., in ***D.T.Virupakshappa*** (supra), the Supreme Court observed as under:

> "*7. The issue of 'police excess' during investigation and requirement of sanction for prosecution in that regard, was also the subject matter of State of Orissa Through Kumar Raghvendra Singh and others v. Ganesh Chandra Jew {(2004) 8 SCC 40, wherein, at paragraph-7, it has been held as follows (SCC pp. 46-47:*
>
> > *"7. The protection given under Section 197 is to protect responsible public servants against the institution of possibly vexatious criminal proceedings for offences alleged to have been committed by them while they are acting or purporting to act as public servants. The policy of the legislature is to afford adequate protection to public servants to ensure that they are not prosecuted for anything done by them in the discharge of their official duties without reasonable cause, and if sanction is granted, to confer on the Government, if they choose to exercise it, complete control of the prosecution. This protection has certain limits and is available only when the alleged act done by the public servant is reasonably connected with the discharge of his official duty and is not merely a cloak for doing the objectionable act. If in doing his official duty, he acted in excess of his duty, but there is a reasonable connection between the act and the performance of the official duty, the excess will not be a sufficient ground to deprive the public servant of the protection. The question is not as to the nature of the offence such as whether the alleged offence contained an element necessarily dependent upon the offender being a public servant, but whether it was committed by a public servant acting or purporting to act as such in the discharge of his official capacity. Before Section 197 can be invoked, it must be shown that the official concerned was accused of an offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duties. It is not the duty which requires examination so much as the act, because the official act can be performed both in the discharge of the official duty as well as in dereliction of it. The act must fall within the scope and range of the official duties of the public servant concerned. It is the quality of the act which is important and the protection of this section is available if the act falls within the scope and range of his official duty. …" (Emphasis supplied) I*
>
> *8. In Om Prakash {(2012) 12 SCC 72}, this Court, after referring to various decisions, particularly pertaining to the police excess,*

summed-up the guidelines at paragraph-32, which reads as follows: (SCC p. 89)

> *"32. The true test as to whether a public servant was acting or purporting to act in discharge of his duties would be whether the act complained of was directly connected with his official duties or it was done in the discharge of his official duties or it was so integrally connected with or attached to his office as to be inseparable from it (K. Satwant Singh). The protection given under Section 197 of the Code has certain limits and is available only when the alleged act done by the public servant is reasonably connected with the discharge of his official duty and is not merely a cloak for doing the objectionable act. If in doing his official duty, he acted in excess of his duty, but there is a reasonable connection between the act and the performance of the official duty, the excess will not be a sufficient ground to deprive the public servant of the protection (Ganesh Chandra Jew). If the above tests are applied to the facts of the present case, the police must get protection given under Section 197 of the Code because the acts complained of are so integrally connected with or attached to their office as to be inseparable from it. It is not possible for us to come to a conclusion that the protection granted under Section 197 of the Code is used by the police personnel in this case as a cloak for killing the deceased in cold blood."*

34. In a yet another judgment, the Supreme Court with regard to the aforesaid issue observed in ***D. Devaraja*** (supra), as under:

> *"68. If in doing an official duty a policeman has acted in excess of duty, but there is a reasonable connection between the act and the performance of the official duty, the fact that the act alleged is in excess of duty will not be ground enough to deprive the policeman of the protection of government sanction for initiation of criminal action against him.*
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> *69. The language and tenor of Section 197 of the Code of Criminal Procedure and Section 170 of the Karnataka Police Act makes it absolutely clear that sanction is required not only for acts done in discharge of official duty, it is also required for an act purported to be done in discharge of official duty and/or act done under colour of or in excess of such duty or authority.*
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> *72. On the question of the stage at which the Trial Court has to examine whether sanction has been obtained and if not*

whether the criminal proceedings should be nipped in the bud, there are diverse decisions of this Court.

73. While this Court has, in D.T. Virupakshappa held that the High Court had erred in not setting aside an order of the Trial Court taking cognizance of a complaint, in exercise of the power under Section 482 of Criminal Procedure Code, in Matajog Dobey (supra) this Court held it is not always necessary that the need for sanction under Section 197 is to be considered as soon as the complaint is lodged and on the allegations contained therein. The complainant may not disclose that the act constituting the offence was done or purported to be done in the discharge of official duty and/or under colour of duty. However the facts subsequently coming to light in course of the trial or upon police or judicial enquiry may establish the necessity for sanction. Thus, whether sanction is necessary or not may have to be determined at any stage of the proceedings.

74. It is well settled that an application under Section 482 of the Criminal Procedure Code is maintainable to quash proceedings which are ex facie bad for want of sanction, frivolous or in abuse of process of court. If, on the face of the complaint, the act alleged appears to have a reasonable relationship with official duty, where the criminal proceeding is apparently prompted by mala fides and instituted with ulterior motive, power under Section 482 of the Criminal Procedure Code would have to be exercised to quash the proceedings, to prevent abuse of process of court."

35. In ***Radheshyam Kejriwal*** (supra), the Supreme Court held as under:

"38. The ratio which can be culled out from these decisions can broadly be stated as follows :-

(i) Adjudication proceeding and criminal prosecution can be launched simultaneously;

(ii)Decision in adjudication proceeding is not necessary before initiating criminal prosecution;

(iii)Adjudication proceedings and criminal proceedings are independent in nature to each other;

(iv)The finding against the person facing prosecution in the adjudication proceedings is not binding on the proceeding for criminal prosecution;

(v) Adjudication proceedings by the Enforcement Directorate is not prosecution by a competent court of law to attract the

provisions of Article 20 (2) of the Constitution or Section 300 of the Code of Criminal Procedure;

(vi)The finding in the adjudication proceedings in favour of the person facing trial for identical violation will depend upon the nature of finding. If the exoneration in adjudication proceedings is on technical ground and not on merit, prosecution may continue; and

(vii) In case of exoneration, however, on merits where the allegation is found to be not sustainable at all and person held innocent, criminal prosecution on the same set of facts and circumstances can not be allowed to continue, underlying principle being the higher standard of proof in criminal cases."

36. One of the allegation against the petitioner is that he extorted the complainant for making his release on bail convenient. On the issue of extortion, the Supreme Court has observed in ***Isaac Isanga Musumba & Others*** (supra), that unless property is delivered to the accused person pursuant to the threat, no offence of extortion is made out and an FIR for the offence under Section 384 could not have been registered by the police.

37. In the present case, the FIR relating to extortion registered against the petitioner was lodged with a delay of six years and in this regard, the Supreme Court, in ***Hasmukhlal D. Vora*** (supra), observed as under:

"23. In the present case, the respondent has provided no explanation for the extraordinary delay of more than four years between the initial site inspection, the show cause notice, and the complaint. In fact, the absence of such an explanation only prompts the Court to infer some sinister motive behind initiating the criminal proceedings.

24. While inordinate delay in itself may not be ground for quashing of a criminal complaint, in such cases, unexplained inordinate delay of such length must be taken into consideration as a very crucial factor as grounds for quashing a criminal complaint.

25. While this Court does not expect a full-blown investigation at the stage of a criminal complaint, however, in such cases where the accused has been subjected to the anxiety of a

potential initiation of criminal proceedings for such a length of time, it is only reasonable for the court to expect bare-minimum evidence from the Investigating Authorities.

26. At the cost of repetition, we again state that the purpose of filing a complaint and initiating criminal proceedings must exist solely to meet the ends of justice, and the law must not be used as a tool to harass the accused. The law, is meant to exist as a shield to protect the innocent, rather than it being used as a sword to threaten them."

38. With respect to powers of the High Court under Section 482 Cr.P.C., in ***Ahmad Ali Quraishi*** (supra), the Supreme Court had observed as under:

"13. A three-Judge Bench in State of Karnataka v. M. Devendrappa, {(2002) 3 SCC 89}, had the occasion to consider the ambit of Section 482 Cr.P.C. By analysing the scope of Section 482 Cr.P.C., this Court laid down that authority of the Court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the Court has power to prevent abuse. It further held that Court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. The following was laid down in para 6: (SCC p. 94)

> *"6. … All courts, whether civil or criminal possess, in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice on the principle quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsae esse non potest (when the law gives a person anything it gives him that without which it cannot exist). While exercising powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide 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. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice*

and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto."

14. Further in para 8 the following was stated: (Devendrappa case {(2002) 3 SCC 89}, SCC p. 95)

"8. … Judicial process should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death. The scope of exercise of power under Section 482 of the Code and the categories of cases where the High Court may exercise its power under it relating to cognizable offences to prevent abuse of process of any court or otherwise to secure the ends of justice were set out in some detail by this Court in State of Haryana v. Bhajan Lal."

15. In Sunder Babu v. State of T.N., (2009) 14 SCC 244, this Court was considering the challenge to the order of the Madras High Court where application was under Section 482 Cr.P.C. to quash criminal proceedings under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961. It was contended before this Court that the complaint filed was nothing but an abuse of the process of law and allegations were unfounded. The prosecuting agency contested the petition filed under Section 482 Cr.P.C. taking the stand that a bare perusal of the complaint discloses commission of alleged offences and, therefore, it is not a case which needed to be allowed. The High Court accepted the case of the prosecution and dismissed the application. This Court referred to the judgment in Bhajan Lal's case and held that the case fell within Category 7. The Apex Court relying on Category 7 has held that the application under Section 482 deserved to be allowed and it quashed the proceedings.

16. After considering the earlier several judgments of this Court including the case of State of Haryana versus Bhajan lal (supra), in Vineet Kumar (supra), this Court laid down following in paragraph 41:(Vineet Kumar case)

> *"41. Inherent power given to the High Court under Section 482 CrPC is with the purpose and object of advancement of justice. In case solemn process of Court is sought to be abused by a person with some oblique motive, the Court has to thwart the attempt at the very threshold. The Court cannot permit a prosecution to go on if the case falls in one of the categories as illustratively enumerated by this Court in State of Haryana v. Bhajan Lal. Judicial process is a solemn proceeding which cannot be allowed to be converted into an instrument of operation or harassment. When there are materials to indicate that a criminal proceeding is manifestly attended with mala fide and proceeding is maliciously instituted with an ulterior motive, the High Court will not hesitate in exercise of its jurisdiction under Section 482 CrPC to quash the proceeding under Category 7 as enumerated in State of Haryana v. Bhajan Lal, which is to the following effect: (SCC p. 379, para 102)*
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> > *"102. …. (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."*

Above Category 7 is clearly attracted in the facts of the present case. Although, the High Court has noted the judgment of State of Haryana v. Bhajan Lal, but did not advert to the relevant facts of the present case, materials on which final report was submitted by the IO. We, thus, are fully satisfied that the present is a fit case where the High Court ought to have exercised its jurisdiction under Section 482 CrPC and quashed the criminal proceedings."

17. Now, when we examine the facts of the present case in light of the ratio as laid down by this Court in above noted cases, it is clear that the present is a case where parties are related and are neighbours. Civil dispute regarding property is going on between father of the accused and the complainant. The incident which is basis for summoning of appellant is dated 19.07.2016 which is alleged to have taken place in front of the house of the complainant. The materials on record do indicate that quarrel took place between the parties on

19.07.2016 and police visited the spot and initiated proceedings under Section 151, 107 and 116 Cr.P.C. The state has brought on the record the copy of the enquiry report dated 11.12.2016 of the CO, City, in which enquiry report, following was stated:-

> *"...It was found form entire enquiry that there was dispute between applicant Shri Sajjad Quraishi and opposite party Anwarul Haq over constructing drain regarding which dispute started between both the parties on 19.07.2016. On receiving information of dispute at Police Station Kotwali, the then SHO SI Shri hari Prakash Yadav conducted proceeding under Sections 151, 107, 116 CrPC on 20.07.2016 on both the parties to maintain peace tranquillity. During enquiry, perused the complaint dated 03.08.2016 filed by the applicant before the Hon'ble Commission and found that the applicant filed complaint dated 29.08.2016 of the same charges u/s 156(3) CrPC before the Hon'ble Court of Special Judge(POCSO Act)/Additional Session Judge, Court No.1, Jaunpur in which the Hon'ble Court of Special Judge, POCSO Act/Additional Session Judge, Court No.1, Jaunpur, as per its endorsement order dated 14.10.2016 has stated that in the entire facts and circumstances of the said case, sufficient grounds to register the case are not available. Statements of other witnesses recorded during enquiry and nearby people were interrogated whereupon eye witnesses stated the fact of the dispute between applicant Sajjad Qureshi and opposite party Anwar Ali over the drain and denying the allegations levelled by the applicant in his application, fact of opposite party Ahmed Ali and Liyakat Ali sons of Anwar doing dirty/indecent act/deed or manhandling whatsoever with the daughters of applicant has not come to light. During enquiry, applicant failed to submit oral/documentary evidence whatsoever. Other allegations levelled by the applicant have not been proved from the enquiry. Peace and tranquillity are prevailing at the spot, yet SHO of Kotwali is directed to ensure peace and tranquillity by keeping vigil on the parties.*

18. We have taken note of the above report only to take the sequence of the event and not as a substantive piece of evidence. On the same allegations, the complainant has filed the application under Section 156(3) Cr.P.C. which was rejected by Sessions Judge by an order dated 14.10.2016, holding that no sufficient grounds have been made to register a complaint against the appellant.

19. In the Criminal Revision filed against the said order of the Session Judge, this Court did not interfere with the rejection of

an application under Section 156(3) Cr.P.C., however, observed that the complainant has remedy to file appropriate application. The complainant thereafter had filed Complaint No.1 of 2017. It is true that rejection of an application under Section 156(3) Cr.P.C. in no manner preclude a complainant to file a complaint under Section 200 Cr.P.C."

39. On the issue of framing of charge by a trial Court, the Supreme Court, very recently in ***Pushpendra Kumar Sinha*** (supra), observed as under:

"27. It is a well settled law that at the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing of charge the Court must apply it's judicial mind to the material placed on record and must be satisfied that the commission of offence by the accused was possible. Indeed, the Court has limited scope of enquiry and has to see whether any prima facie case against the accused is made out or not. At the same time, the Court is also not expected to mirror the prosecution story, but to consider the broad probabilities of the case, weight of prima facie evidence, documents produced and any basic infirmities etc. In this regard the judgment of "Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4" can be profitably referred for ready reference."

40. The Supreme Court, in ***Bhajan Lal*** (supra), has observed that where a criminal proceeding is manifestly attended with malafide 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, the inherent powers under Section 482 of the Cr.P.C. can be exercised. From the collective reading of the facts and circumstances of these three petitions, there remains no manner of doubt that the action initiated against the petitioner was an outcome of malice and with ulterior motive.

41. Bureaucracy serves as the backbone of governance, ensuring stability, continuity, and the implementation of public policies. Bureaucrats, as the executors of these policies, are expected to operate within a framework of rules and regulations, maintaining impartiality regardless of the political leadership. However, when political regimes change,

bureaucrats often find themselves navigating turbulent waters. Bureaucrats are tasked with implementing laws, managing public resources, and maintaining the everyday functioning of government institutions. Ideally, their work transcends political ideologies, ensuring that governance continues seamlessly. Their adherence to established procedures and regulations forms the foundation of a stable administrative system. However, this neutrality is often compromised during political upheavals. A change in political leadership often brings a shift in priorities, ideologies, and governance styles. Bureaucrats who previously aligned their work with the policies of the outgoing regime may find themselves out of favor. This can lead to professional marginalization, as new regimes may perceive them as resistant to change or loyal to the former leadership. Political leaders, particularly in authoritarian or populist regimes, often prioritize loyalty over competence. Bureaucrats who strictly adhered to the previous regime's policies might be seen as obstacles to the new leadership's agenda, even if their actions were guided by law and regulations. This suspicion can lead to punitive measures, including demotions, transfers, or even dismissals. They may be pressured to compromise their integrity by aligning with the new leadership's directives, even if these conflict with established laws or ethical standards. Refusal to comply can result in professional setbacks, while compliance can erode public trust in their impartiality.

42. When experienced and rule-abiding officials are marginalized, administrative efficiency suffers. Political interference in bureaucracy undermines its impartiality, eroding public trust in government institutions. Furthermore, the constant reshuffling of officials can result in a loss of institutional memory, weakening the effectiveness of public

policies. False cases are a common tool used to silence or punish such resistance. These fabricated charges can range from accusations of corruption, dereliction of duty, or abuse of power to even more severe allegations like criminal conspiracy. Such cases tarnish the reputation of the bureaucrat, disrupt their career, and instill fear among other officials who might otherwise stand up against similar pressures.

43. The service track record of the petitioner, which involves award of various medals and honours goes to show that the petitioner is an able officer of the Indian Police Service.

44. On going through the contents of the FIRs in question, it appears to be a case of malicious prosecution against the petitioner with an oblique motive for personal vengeance. The FIRs appear to have been registered with only intention to rope an officer who could not place himself in the good books of the new regime. The action of the respondent/State in lodging FIR one after another without there being any kind of enquiry and in a haste goes to show that the then regime was hell bent to punish the petitioner for the reasons best known to them. The approach of the State and the manner in proceeding with the FIRs also show that there was no material either in the case of disproportionate assets, sedition matter or in the matter where allegation was levelled after six years that the petitioner could have influenced and helped the complainant in obtaining default bail. There is no sufficient materials on record so as to arrive at a prima facie finding that the petitioner had accumulated unaccounted and disproportionate assets and income. It is difficult to understand as to how an officer of the rank of Inspector General would be interested in petty matter of helping an accused in grant of bail. There has been no explanation whatsoever as to why the complainant took six long years to lodge the FIR against the petitioner.

The conduct of the complainant itself is suspicious and at least a preliminary enquiry in this regard should have been made. Even the torn pieces of papers which were stated to be seditious were never placed before the learned Trial Court which also creates a grave doubt with regard to the genuineness of the prosecution story. The facts and circumstances of the case and the issues involved, is squarely covered under clause (7) of paragraph 102 of the judgment rendered by the Supreme Court in ***Bhajan Lal*** (supra).

45. In view of the foregoing discussions, in Cr.M.P. No. 1488/2023, the FIR bearing Crime No. 590/2021, registered at Police Station Supela, District Durg, dated 27.07.2021, the charge-sheet No. 334/2022 and the consequent criminal proceedings with respect to the petitioner, stand quashed.

46. With respect to Cr.M.P. No. 2747/2023, the order dated 04.08.2023 passed by the learned Special Judge (PC Act) and First Additional Sessions Judge, Raipur, in Special Criminal Case No. 01/2022, is quashed. The order dated 15.09.2023 passed by the learned Special Judge also stands quashed.

47. With respect to Cr.M.P. No. 683/2024, the FIR bearing Crime No. 134/2021 dated 08.07.2021 registered at Police Station, Kotwali, District Raipur and the charge-sheet No. 120/2021 (Annexure P/1 collectively) and the consequential criminal proceedings with respect to the petitioner, stand quashed.

48. Resultantly, these three Cr.M.Ps stand **allowed**. No order as to cost.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Manpreet

HEAD NOTE

If the facts and circumstances clearly indicate that the criminal proceedings have been instituted with ulterior motive for a malicious prosecution, the inherent powers under Section 482 of the Cr.P.C. can be exercised for quashing of the charge-sheet and the consequential criminal proceedings.