2025 INSC 1480

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 5610__ OF 2025
(Arising out of SLP (Crl.) No. 17272 of 2025)

STATE OF U.P. & ANR. ...APPELLANT (S)

Versus

MOHD ARSHAD KHAN & ANR. ...RESPONDENT (S)

WITH

CRIMINAL APPEAL NO. 5611__ OF 2025
(Arising out of SLP (Crl.) No. 17579 OF 2025)

AND

CRIMINAL APPEAL NO. 5612__ OF 2025
(Arising out of SLP (Crl.)No. 18150 OF 2025)

J U D G M E N T

SANJAY KAROL, J.

Leave Granted.

2. The State of Uttar Pradesh is in appeal against the judgments and orders passed by the High Court of Judicature at Allahabad in petitions for quashing preferred by accused persons in connection with common FIR dated 24th May 2025 in Case Crime No. 33 of 2025 registered at Police Station, Nai Ki Mandi, District Agra under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860[1] and Sections 3/25/30 of the Arms Act 1959. Before us in Criminal Appeal @ SLP (Crl) No.17272 of 2025, is Mohd. Arshad Khan[2], in Criminal Appeal @ SLP (Crl) No. 17579 of 2025 is Sanjay @Sanjay Kapoor[3] and in Criminal Appeal @ SLP (Crl) No.18150 of 2025 is Muhammad Zaid Khan[4]. They shall be collectively referred to as the accused-respondents.

3. The case arises from an investigation directed by the Senior Superintendent of Police, STF Headquarters, Lucknow, pursuant to an anonymous petition which, during inquiry, culminated in a statutory complaint dated 31st July 2024. The complaint alleged that certain persons had procured and used arms licenses by submitting forged documents and false affidavits. Acting on these directions, the STF conducted an inquiry on the basis of documentary records, reports submitted by the Additional District Magistrate (City), Arms Section, Agra,

1 Hereinafter, referred to as 'IPC'
2 Impugned Judgment in Criminal Misc Writ Petition No. 12162 of 2025
3 Impugned Judgment in Criminal Misc Writ Petition No. 12526 of 2025
4 Impugned Judgment in Criminal Misc Writ Petition No. 12173 of 2025

statements of complainants and accused persons, and scrutiny of licence files and related documents. The investigation found serious irregularities and in terms of report dated 31st January 2025, it was recommended that a criminal case be registered and further investigation be conducted hereinto. The FIR subject matter of these cases, thus came to be registered. Below is an encapsulation of the content of the FIR regarding the three accused-respondents before us.

With respect to Zaid Khan, son of Sher Khan, it was found during the investigation that arms licence number 1227/03 had been obtained by submitting forged documents and false affidavits. In the licence records, his date of birth was shown as 25th November 1975, whereas his actual date of birth was found to be 25th November 1972. This discrepancy was detected on the basis of documentary evidence examined during the inquiry, and it is alleged that the arms licence was issued on the strength of these false particulars.

In relation to Arshad Khan, son of Ahmed Ali, the investigation revealed that he procured five arms licences bearing numbers 6365, 6491, 6415, 6316 and 6248 - all Tajganj, by using forged PAN card, Aadhaar card and driving licence. In these documents, his date of birth was shown as 15th January 1985, whereas official records indicate his year of birth as 1988. Prior to the issuance of the licences in the year 2006, his date of birth

in the records was 15th January 1988. It is alleged that the alteration in the date of birth was made deliberately to show a lower age, with the object of presenting himself as a skilled marksman, obtaining undue benefits, and enabling the import of arms and ammunition from abroad on the basis of multiple arms licences. During the investigation, despite repeated notices, he did not furnish purchase invoices, import documents or passport details and did not cooperate fully with the inquiry. It is further alleged that the arms licences were obtained by knowingly using forged documents.

As regards Sanjay Kapoor, who was serving at the relevant time as Arms Clerk in the office of the Additional District Magistrate, Agra, and who has since retired under the Voluntary Retirement Scheme, the investigation *prima facie* found that he, along with the concerned arms licence holders, was involved in acts relating to forgery, concealment of material facts and submission of false affidavits in connection with the processing and issuance of arms licences.

4. All three accused - respondents filed petitions before High Court under Article 226 of the Constitution of India which were, by orders dated 4th July 2025, 16th June 2025 and 4th July 2025 respectively, closed as disposed of, and not allowed, as was desired by them, it was directed that the investigating officer complete the investigation into the alleged offence within 90 days

and that they would not be arrested till the concerned court takes cognizance of the matters. This was done by way of identically worded orders, relying on the same case, i.e., ***Shobhit Nehra v. State of U.P.***[5] For reference, one of the impugned orders is reproduced herein below:

> "1. Heard learned counsel for the petitioner and learned AGA for State-respondents.
> 2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 24.05.2025 registered as Case Crime No.33 of 2025, under sections 420, 467, 468, 471 of IPC and Section 3/25/30 of Arms Act, Police Station- Nai Ki Mandi, District Agra and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.
> 3. With regard to the allegations made in the F.I.R., investigating officer of the police is investigating the matter. 4. After hearing the rival contentions, totality of facts and circumstances of this case and in view of the judgment passed by Division Bench of this Court in Criminal Misc. Writ petition No. 7463/2024 (Shobhit Nehra Vs. State of U.P.), the above noted writ petition is disposed of directing the investigating officer to conclude the investigation of this case within period of 90 days.
> 5. During the period of investigation and till cognizance is taken on the police report by the court concerned, the petitioner shall not be arrested.
> 6. In case of non-cooperation with the police investigation by the petitioner, it shall be open for either of the respondents to file recall application of this order."

5. ***Shobhit Nehra*** (supra) was a case before the High Court, where, in a manner similar to the present case, the High Court

5 Criminal Misc Writ Petition No. 7463 of 2024

had, ***a)*** refused quashing; ***b)*** directed time bound completion of investigation; and ***c)*** granted protection from arrest till the taking of cognizance by the concerned court. The background of the said case was a long-standing family dispute over property. One faction had filed a first information report against the other, and as such the other group went to Court seeking quashing and protection from arrest. On the three aspects regarding which this judgment was followed in the impugned orders, the reasoning can be summarized as under: -

The High Court explained that protection from arrest was justified because the case was still on the investigation stage and the allegations were not free from doubt, especially given the backdrop of an ongoing civil dispute. It noted that an FIR cannot be treated as unquestionable truth and that personal liberty under Article 21 of the Constitution of India cannot be curtailed merely because the allegations technically disclose cognizable offences. The Court observed that forcing the accused to seek anticipatory bail, (which it alluded to was difficult in view of certain judgments of the High Court which necessitated that the trial Court must consider such applications first, only then could the High Court do so,) such circumstances could lead to unnecessary harassment and would weaken constitutional protections. At the same time, it made clear that shielding the accused from arrest does not mean paralyzing the investigation and that liberty and investigation must coexist in a balanced manner.

On the question of limiting the duration of this protection, the Court reasoned that liberty cannot be protected in an open-ended way if it risks undermining the investigative process. It was observed that investigations must be conducted promptly and efficiently, and that any interim protection must therefore be structured in a manner that it does not become an obstacle to a timely investigation. Fixing a time frame was seen as a necessary safeguard to ensure that protection from arrest remains proportionate and does not turn into a means of delaying the process. The Court underlined that protection from arrest is inherently conditional and depends on the accused acting in good faith. It observed that the right to liberty cannot be used as a shield to avoid or frustrate investigation, and that unconditional protection would risk abuse of the judicial process. It allowed the possibility of recall in cases of non-cooperation in the investigation.

6. The State is in appeal, opposing the protection from arrest, bring contrary to the law laid down by this Court in ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra***[6]**.** It is further submitted that the imposition of timelines is not justified as its risks prejudice to the investigation of a serious offence, and neither is the reliance on ***Shobhit Nehra*** (supra) without reference to facts, among other grounds. The parties, through counsel, were heard.

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6 (2021) 19 SCC 401

7. The question before us is whether the direction for time bound investigation and protection from arrest while disposing of a petition for quashing without granting the relief actually prayed for, is justified, legally sustainable or not.

8. It is well settled that the writ jurisdiction of the High Courts under Article 226 of the Constitution is wide and extends to criminal matters as well. The most common example we see of writs being employed in the sphere of criminal justice is in cases where the High Courts are called upon to intervene to prevent abuse of the criminal process or to secure the ends of justice. In this context, this Court in ***State of Haryana v. Bhajan Lal***[7] recognized that High Courts may exercise writ jurisdiction to interdict criminal proceedings at the threshold in appropriate cases. This approach was reiterated in ***Pepsi Foods Ltd. v. Special Judicial Magistrate***[8] and innumerable other judgments/orders. Beyond these commonly encountered instances, the writ jurisdiction has also been exercised in criminal matters for purposes other than quashing. In cases involving illegal detention or custodial violations, the writ of *habeas corpus* has been invoked to protect personal liberty, as recognized in ***Sunil Batra v. Delhi Administration***[9] and ***Nilabati Behera v. State of Orissa***[10]. High Courts have also issued writs in the nature

7 1992 Supp (1) SCC 335
8 (1998) 5 SCC 749
9 (1978) 4 SCC 494
10 (1993) 2 SCC 746

of *mandamus* to ensure fair investigation or to address police inaction, with the Supreme Court in ***Sakiri Vasu v. State of U.P***.[11] clarifying that while remedies under the CrPC should ordinarily be pursued, the constitutional jurisdiction of the High Court remains available in appropriate cases. Further, writ jurisdiction has been used to enforce procedural safeguards during arrest and detention, as laid down in ***Joginder Kumar v. State of U.P.***[12] and ***D.K. Basu v. State of West Bengal***[13]. These decisions indicate that Article 226 continues to operate as a constitutional remedy in criminal law, enabling High Courts to address questions of legality and protection of fundamental rights alongside the statutory criminal process.

9. In exercise of these wide-ranging powers - was it justified to direct time bound completion of investigation? The investigation of an offence is a long, winding road. It is full of ups and downs and is not, possibly, even for a moment, predictable in the true sense. There can be delays in the investigation, witnesses who at one point in time appeared confident, may begin to hesitate or completely resile from their statement, documentary evidence on which much hope was pinned, may turn out to be unusable or so many other such possibilities may occur. Legal proceedings frequently intersect with the investigation and affect its pace and direction.

11 (2008) 2 SCC 409
12 (1994) 4 SCC 260
13 (1997) 1 SCC 416

Applications for anticipatory bail, regular bail, or the like can result in temporary pauses or changes in strategy. Courts may call for further investigation, ask for clarification on specific aspects or even direct a change of the investigating officer. Each such intervention requires the investigating agency to revisit its work and sometimes take a fresh path altogether. So, it can be seen that the investigative process is at times straight, at other times one of lots of twists, turn and recalibrations and in yet others, frustratingly round-about like, before it can come to a somewhat definitive conclusion to present the case for trial before the concerned, and sometimes, even at that time the definitive conclusion, at least from an investigator's standpoint, remains elusive.

While all this may undoubtedly be true, it is also unquestionably so that it cannot be an excuse for avoidable delay. Speedy trial, which necessarily includes timely and diligent investigation, has been recognized as an integral part of Article 21 of the Constitution and is essential to the fairness and credibility of the criminal justice system. Undue delay prejudices not only the accused, whose liberty and reputation remain under a cloud, but also the victim and society at large, for whom justice loses meaning when it is endlessly deferred. The challenge, therefore, lies in balancing the practical realities of investigation with the constitutional mandate that criminal proceedings, from

investigation through trial, be conducted with reasonable promptitude and care. It is this balancing role that the judiciary plays. It is for those reasons that while on the one hand there is a statutorily laid down process in place which is generally followed, powers such as that of Article 226 of the Constitution and Section 482, Code of Criminal Procedure, 1973[14] have been kept open in their widest sense possible- to secure the ends of justice.

10. Courts have consistently recognized that directing a time-bound investigation must remain the exception rather than the norm. Investigation is, as can be seen from the above discussion, a product of many factors and happenings apart from the crime itself, that lend to it a sense of uncertainty and the law therefore accords investigating agencies a reasonable degree of latitude. At the same time, the Constitution does not permit investigations to remain open-ended. The Supreme Court has long held that the right to a speedy trial, which necessarily includes a timely and diligent investigation, forms an essential part of Article 21, as first recognized by a Constitution Bench in ***Hussainara Khatoon (1) v. State of Bihar***[15], and later elaborated by another Constitution Bench in ***Abdul Rehman Antulay v. R.S. Nayak***[16]. It is in this constitutional setting that courts have, in appropriate cases, intervened where delay itself begins to cause prejudice.

14 Hereinafter, referred to as 'CrPC'
15 (1980) 1 SCC 81
16 (1992) 1 SCC 225

Where there is evident stagnation, unexplained inaction, or a pattern of delay that cannot be justified by the nature or complexity of the case, judicial directions fixing timelines have been considered warranted. In ***Vineet Narain v. Union of India***[17], the Court emphasized the need for prompt and effective investigation, particularly where delay risks allowing serious matters to drift without resolution. More recently, in ***Robert Lalchungnunga Chongthu v. State of Bihar***[18], the Court reaffirmed that investigations cannot be allowed to continue endlessly, and that prolonged and unexplained delay between the registration of an FIR and the filing of a chargesheet may itself infringe Article 21, especially where such delay keeps an individual under a continuing cloud of suspicion without meaningful progress. Courts have also been mindful of the impact of prolonged investigation on personal liberty, particularly where coercive measures or extended custody are involved. In such cases, fixing timelines is viewed not as an intrusion into the investigative domain, but as a safeguard against inertia and arbitrariness. At the same time, the Supreme Court has cautioned against routine or mechanical directions for time-bound investigation, reiterating in ***Union of India v. Prakash P. Hinduja***[19], that the manner and pace of investigation ordinarily lie within the investigator's domain. What emerges, therefore, is a

17 (1998) 1 SCC 226
18 2025 INSC 1339
19 (2003) 6 SCC 195,

balanced approach: courts respect the practical realities of investigation, yet intervene where delay itself threatens fairness, liberty, or the integrity of the criminal justice process.

11. The necessary conclusion to be drawn from the above discussion is that timelines are not drawn by the Court to be followed by the investigators/the executive right from the beginning, for that would clearly amount to stepping on the toes of the latter. Timelines are therefore imposed at a point where not doing so would have adverse consequences i.e., there is material on record demonstrating undue delays, stagnation, or the like. In sum, timelines are imposed reactively and not prophylactically. As such, the timelines imposed by the High Court need to be interfered with and set aside. Ordered accordingly.

12. The next aspect is the protection from arrest till the taking of cognizance by the concerned Court. On this count too, we are of the considered view that the High Court fell into error. The reason why the Court may have been justified in doing so in the factual context of ***Shobhit Nehra*** (supra) is that *inter alia* the criminal action therein, had the pretext of a long-standing civil dispute along with familial animosity. The dispute in that case has already made its way up to this Court way back in 1998, and even today proceedings of one nature or another are on the docket of at least two courts. Given that background, arrest on the basis of FIR simpliciter, *arguendo*, may have had an impact on Article 21

rights of the accused therein. How the directions issued therein apply to the instant facts is unclear, for the impugned orders do not discuss the same.

13. What Earl of Halsbury L C said in ***Quinn* v. *Leathem***[20] is important for our purposes here. We quote:

> "…every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found…."

This proposition has been referred to with approval in a number of judgments of this Court including ***State of Orissa v. Sudhansu Sekhar Misra***[21], ***Kalyan Chandra Sarkar v. Rajesh Ranjan***[22], ***All India Haj Umrah Tour Organisers Assn. v. Union of India***[23].

14. When a Court in its order or judgment, or when a counsel appears before a court reference to and reliance upon a judgment is made, it is not a mechanical exercise. It needs to and should reflect application of mind. This application of mind is in connection with the evaluation of material facts of the two cases, since they are essential to decision making. Only those facts that bear a direct nexus to the legal principle applied constitute the

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20 [1901] AC 495
21 1967 SCC OnLine SC 17
22 (2005) 2 SCC 42
23 (2023) 2 SCC 484

material factual substratum of the precedent. This exercise is *ex facie* absent in the impugned orders. The directions in ***Shobhit Nehra*** (supra), which were justified in the said factual context, have been applied without appropriate reference to the facts of this case. The same cannot be said to be in accordance with law.

15. Now, in so far as the protection from arrest is concerned, we find that ***Neeharika*** (supra) absolutely clarifies the position**.** It was observed by a Bench of three Judges therein, as follows:-

> "**24.** This Court in *Habib Abdullah Jeelani* [*State of Telangana* v. *Habib Abdullah Jeelani*, (2017) 2 SCC 779 : (2017) 2 SCC (Cri) 142] , as such, deprecated such practice/orders passed by the High Courts, directing police not to arrest, even while declining to interfere with the quashing petition in exercise of powers under Section 482CrPC. In the aforesaid case before this Court, the High Court dismissed [*Habib Abdullah Jeelani* v. *State of Telangana*, 2014 SCC OnLine Hyd 1299] the petition filed under Section 482CrPC for quashing the FIR. However, while dismissing the quashing petition, the High Court directed the police not to arrest the petitioners during the pendency of the investigation. While setting aside such order, it is observed by this Court that such direction amounts to an order under Section 438CrPC, albeit without satisfaction of the conditions of the said provision and the same is legally unacceptable. In the aforesaid decision, it is specifically observed and held by this Court that "it is absolutely inconceivable and unthinkable to pass an order directing the police not to arrest till the investigation is completed while declining to interfere or expressing opinion that it is not appropriate to stay the investigation". It is further observed that this kind of order is really inappropriate and unseemly and it has no sanction in law. It is further observed that the courts should oust and obstruct

unscrupulous litigants from invoking the inherent jurisdiction of the Court on the drop of a hat to file an application for quashing of launching an FIR or investigation and then seek relief by an interim order. It is further observed that it is the obligation of the court to keep such unprincipled and unethical litigants at bay.

…

26. We are at pains to note that despite the law laid down by this Court in *Habib Abdullah Jeelani* [*State of Telangana* v. *Habib Abdullah Jeelani*, (2017) 2 SCC 779 : (2017) 2 SCC (Cri) 142] , deprecating such orders passed by the High Courts of *not to arrest* during the pendency of the investigation, even when the quashing petitions under Section 482CrPC or Article 226 of the Constitution of India are dismissed, even thereafter also, many High Courts are passing such orders. The law declared/laid down by this Court is binding on all the High Courts and not following the law laid down by this Court would have a very serious implications in the administration of justice.

…

28. Thus, it has been found that despite absolute proposition of law laid down by this Court in *Habib Abdullah Jeelani* [*State of Telangana* v. *Habib Abdullah Jeelani*, (2017) 2 SCC 779 : (2017) 2 SCC (Cri) 142] that such a blanket order of *not to arrest* till the investigation is completed and the final report is filed, passed while declining to quash the criminal proceedings in exercise of powers under Section 482CrPC, as observed hereinabove, the High Courts have continued to pass such orders. Therefore, we again reiterate the law laid down by this Court in *Habib Abdullah Jeelani* [*State of Telangana* v. *Habib Abdullah Jeelani*, (2017) 2 SCC 779 : (2017) 2 SCC (Cri) 142] and we direct all the High Courts to scrupulously follow the law laid down by this Court in *Habib Abdullah Jeelani* [*State of Telangana* v. *Habib Abdullah Jeelani*, (2017) 2 SCC 779 : (2017) 2 SCC (Cri) 142] and the law laid down by this Court in the present case, which otherwise the High Courts are bound to follow. We caution the High Courts again against passing such orders of *not to arrest or "no coercive steps to be taken"* till the investigation is

> completed and the final report is filed, while not entertaining quashing petitions under Section 482CrPC and/or Article 226 of the Constitution of India."
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> (emphasis supplied)

16. The text of the order in no way provides or attempts to provide, as in ***Shobhit Nehra*** (supra), any justification for granting protection from arrest despite the position of law laid down in ***Neeharika*** (supra)**.** Without going further into the issue, we set aside the condition.

17. The State's Appeals are allowed. Interim protection in favour of the respondents herein shall continue to operate for the next two weeks, after which, all actions as permissible in law will follow.

Pending applications, if any, shall stand disposed of.

…..…… J.
(SANJAY KAROL)

…….…….…… J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
December 19, 2025