IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 29th OF APRIL, 2026

MISC. CRIMINAL CASE No. 9651 of 2026

PANKAJ MISHRA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prakash Upadhyay - Senior Advocate (Through V.C.) with Shri Utsarg Agrawal - Advocate for the petitioner.

Shri Abhijeet Awasthy - Deputy Advocate General for respondent/State.

Heard on	:	**16.04.2026**
Pronounced on	:	**29.04.2026**

ORDER

The present petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashment of the charge-sheet and all consequential criminal proceedings arising out of Crime No. 473/2025 registered at Police Station Lakhanwara, District Seoni (M.P.), for alleged offences punishable under Sections 310(2), 126(2), 140(3), 61(2) and 238(b) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The petitioner is a member of the State Police Services, having joined service in the year 2019. At the relevant time, he was posted as Assistant

Commander, HAWK Force (DSP), Balaghat, Madhya Pradesh.

3. Case of prosecution is that on 09.10.2025, one Sohan Lal Parmar, a resident of Jalna, Maharashtra, lodged an information at Police Station Kotwali, Seoni alleging that his associate Mukhtar and driver Irfan Pathan had been intercepted and robbed by personnel of Seoni Police. It was alleged that out of a total sum of Rs.2,96,50,000/- being transported in a vehicle, an amount of Rs.1,45,00,000/- had been unlawfully taken by police officials. Upon receipt of the complaint, the matter was escalated to senior police official, who ordered a preliminary inquiry. Shri Ayush Gupta, Additional Superintendent of Police, was appointed as the Inquiry Officer to ascertain the veracity of the allegations.

4. During the course of inquiry, it was revealed that the complainant and his associates were allegedly transporting a large sum of cash, suspected to be *hawala* money, in a Creta vehicle. The inquiry further disclosed that information regarding such transportation had reached the then SDOP, Pooja Pandey (co-accused). Acting upon the said information, Pooja Pandey allegedly conducted a raid along with a team of police officials including ASI Arpit Bhairam, Head Constables Ravindra Uike, Makhan Singh Inwati, and Rajesh Janghela, Constables Jagdish Yadav, Yogendra Chaurasiya, Subhash Sadaphal, Kedar Singh, Neeraj Rajpoot, and driver Reetesh Verma. It is alleged that after intercepting the vehicle and recovering the cash amount, the raiding party attempted to negotiate a settlement with the occupants of the vehicle, demanding 75% of the recovered amount. Subsequently, a sum of Rs.1,45,00,000/- was allegedly taken by SDOP Pooja

Pandey and the individuals Mukhtar and Irfan were released. The inquiry report further states that the present petitioner is alleged to have passed on the initial information to co-accused Pooja Pandey. The source of this information is traced to Constable Pramod Soni, posted at Crime Branch, Jabalpur, who allegedly received it from an informer named Panju Goswami on 08.10.2025. The Inquiry Officer, relying primarily on mobile phone call detail records and mobile forensic analysis report, concluded that the petitioner, Constable Pramod Soni, and the informer Panju Goswami were in contact before and after the alleged incident with the prime accused Pooja Pandey, and inferred their complicity in the alleged offence. During the course of investigation, an amount of Rs.1,45,00,000/- was recovered from the possession of co-accused Pooja Pandey and ASI Arpit Bhairam. Additionally, one Virendra Dixit, brother-in-law (Jeeja) of Pooja Pandey, was also implicated in the alleged offence.

5. On the basis of the aforesaid inquiry report, the police registered FIR bearing Crime No. 473/2025 at Police Station Lakhanwara, District Seoni, and after investigation, filed the charge-sheet against all the accused persons, including the present petitioner, however, the investigation qua the present petitioner and co-accused Pooja Pandey is still being continued by the investigating agency under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023, on the ground that requisite sanction for prosecution against the said public servants has not yet been received from the competent authority.

6. Learned counsel for the petitioner submits that the entire prosecution

case, as reflected from the FIR and charge-sheet, is fundamentally misconceived and fails to disclose any prima facie case against the present petitioner. It is argued that the FIR itself has been lodged only after conducting preliminary enquiries, and a bare perusal of the statements recorded during such enquiries would reveal that the role attributed to the petitioner is extremely limited in nature. At best, the petitioner is alleged to have merely passed on certain information regarding a suspicious vehicle to co-accused SDOP Pooja Pandey. There is not even a whisper in any of the statements or material collected during enquiry to suggest that the petitioner shared any common intention or had any "meeting of minds" with the other co-accused persons so as to constitute a criminal conspiracy and other offences.

7. Learned counsel further contends that the prosecution story itself overlooks a crucial and undisputed aspect, namely that the interception of the vehicle and recovery of the alleged sum was, in fact, a lawful act within the authority and jurisdiction of police officials. The alleged illegality, if any, is stated to have arisen only at a later stage when co-accused Pooja Pandey allegedly failed to report the recovery to the concerned Magistrate or police station. Thus, even as per the prosecution, the petitioner had no role whatsoever in the alleged subsequent acts which form the gravamen of the offence. It is further submitted that the petitioner, being a police officer, acted in discharge of his official duties. Even assuming, without admitting, that the petitioner facilitated or assisted in the communication of information leading to the recovery, such act would carry a presumption of bona fides.

The search and seizure of suspected contraband or illicit cash is well within the statutory powers of police official, and in absence of any material showing dishonest intention or prior agreement, the petitioner cannot be implicated merely on the basis of such assistance.

8. Learned counsel emphasizes that the entire investigation record is conspicuously silent on any material indicating that the petitioner had knowledge of the alleged illegal retention or misappropriation of the recovered amount. During the course of preliminary enquiry, the petitioner's statement was duly recorded, wherein he clearly explained the circumstances and his limited role. The said explanation has not been dislodged by any independent evidence. It is further argued that the call detail records and related electronic material, which the prosecution now seeks to rely upon, were in fact voluntarily disclosed by the petitioner himself during the preliminary enquiry. No new incriminating material has been discovered during the subsequent investigation. The very facts now being used against the petitioner were earlier disclosed by him in good faith, demonstrating his transparency and cooperation. Notably, on the basis of the same material, the senior officers had consciously decided not to register any FIR against the petitioner at that stage.

9. Learned counsel further submits that prior to the registration of the FIR, two independent preliminary enquiries were conducted by competent authorities. The first enquiry, conducted by the Additional Superintendent of Police, Seoni, did not record any allegation or adverse finding against the petitioner. Thereafter, a second enquiry was conducted by IPS officer Shri

Ayush Gupta, which again did not attribute any role or culpability to the petitioner. Both enquiries, therefore, unequivocally exonerated the petitioner, and there was no fresh material thereafter to justify his implication in the FIR. It is further contended that there is absolutely no material to establish any conspiracy between the petitioner and co-accused Pooja Pandey. The statement of the complainant, Sohan Lal Parmar, clearly indicates that all dealings were exclusively with Pooja Pandey. None of the witnesses have stated that she was acting under the instructions of the petitioner or any other superior officer. Even the statement of Pooja Pandey recorded during enquiry reflects that the petitioner had only passed on information regarding a vehicle allegedly carrying suspicious material, and nothing beyond that. Learned counsel also points out that no recovery whatsoever has been made from the possession of the present petitioner. The call records relied upon by the prosecution have already been duly explained during investigation and do not, by themselves, establish any criminal intent or involvement. With regard to the allegation of deletion of WhatsApp chats, it is submitted that such an act does not constitute any offence in the facts of the present case. It is a matter of common knowledge that electronic data stored on third-party servers cannot be permanently erased and remains retrievable. The petitioner, being a senior police officer, is fully aware of this technical aspect. Therefore, the alleged deletion cannot be construed as an attempt to destroy evidence or as indicative of guilt, but at best reflects a routine and bona fide act.

10. Learned counsel further argues that the very registration of offences such as robbery or dacoity is legally unsustainable, as it is an admitted position that the money being transported did not have a legitimate source and was suspected to be *hawala* cash. The police officials were duty-bound to intercept and seize such amount and initiate appropriate proceedings. In such circumstances, the foundational ingredients of the alleged offences are not satisfied qua the petitioner.

11. Lastly, it is submitted that the petitioner, a young and meritorious police officer with a promising career, has been falsely implicated due to internal departmental politics and mala fide considerations. His inclusion as an accused is not based on any credible evidence, but is rather the result of conjectures and extraneous pressures.

12. In view of the aforesaid submissions, learned counsel for the petitioner prays to quash the impugned FIR, charge-sheet, and all consequential proceedings insofar as they relate to the present petitioner, as the same are an abuse of the process of law and do not disclose any offence against him. In support of his contention, the learned counsel for the petitioner relied upon the following pronouncements

1. **Central Bureau of Investigation Hydrabad Vs. K. Narayna Rao**, reported in **(2012) 9 SCC 512**.

2. **State By S.P. through the SPE CBI Vs. Uttamchand Bohra**, reported in **(2022) 16 SCC 663**.

3. **Yogesh alias Sachin Jagdish Joshi Vs. State of Mahrastra**, reported in **(2008) 10 SCC 394.**

4. **P.K. Naraynan Vs. State of Kerala,** reported in **(1995) 1 SCC**

142.

5 . **Karan Talwar Vs. State of Tamilnadu**, reported in **2024 SCC OnLine SC 3803.**

13. On the other side, Learned Deputy Advocate General for the State, opposing the present petition with vehemence, submits that the preliminary objection of State is regarding maitainability of present petition as the petitioner has an efficacious and specific statutory remedy available before the learned Trial Court by way of seeking discharge at the appropriate stage of the proceedings and the petitioner instead of availing the remedy of discharge, has prematurely invoked the jurisdiction under Section 528 BNSS. On merits, he argued that the material collected during the course of investigation clearly discloses the active and conscious involvement of the petitioner in the commission of the alleged offence, and thus no case for quashment is made out. It is contended that the prosecution is not founded on mere suspicion or conjecture, but on cogent and scientific evidence in the form of mobile forensic analysis. The forensic report unequivocally reveals that an unusually high volume of communication was exchanged between the petitioner and co-accused Pooja Pandey during the crucial period surrounding the incident. Specifically, as many as 81 calls were exchanged between the two from 10:00 PM on 08.10.2025 to 10:00 PM on 09.10.2025. Significantly, 51 of these calls were made after the alleged raid had been conducted and the alleged sum had already been recovered, and 27 calls were exchanged at the time when the complainant reached the police station to report the incident. Such persistent and timed communication, it is

submitted, cannot be brushed aside as routine or innocuous, and prima facie establishing continuous coordination between the petitioner and the principal accused.

14. Learned State counsel further submits that the forensic report also indicates that the contact details of the complainant were transmitted by co-accused Pooja Pandey to the petitioner on the very night of the incident. This exchange of sensitive information at a critical juncture further strengthens the inference that the petitioner was not a mere passive informant but an active participant in the chain of events. It is emphatically argued that even if the petitioner's initial act of passing information is assumed to be within the bounds of his duty, his conduct thereafter clearly transgressed the limits of his lawful authority. The petitioner continued to remain actively engaged in the matter well beyond the stage where his official role, if any, had ceased. Such continued involvement, coupled with constant communication, demonstrates a degree of interest and participation that is wholly inconsistent with bona fide discharge of official duty.

15. Learned Deputy Advocate General further points out that the petitioner was in telephonic contact not only with co-accused Pooja Pandey, but was also connected through conference calls with Constable Pramod Soni and informer Panju Goswami. This triangulated communication, as revealed by the forensic analysis, clearly indicates a coordinated effort among all concerned persons, thereby lending strong support to the prosecution's case of conspiracy. It is also submitted that the petitioner had shared a YouTube link pertaining to methods of concealing contraband in vehicles, which was subsequently deleted by him. This conduct, according to the prosecution, is highly incriminating. The act of sharing such content in close temporal proximity to the incident, followed by its deletion, reflects a guilty mind and points towards premeditation as well as an attempt to obliterate evidence. Such conduct cannot be explained away as innocuous or accidental, but rather constitutes a relevant circumstance indicating mens-rea and complicity.

16. Learned State counsel also submits that at the present stage, the Court is not required to conduct a meticulous appreciation of evidence or determine the veracity of each piece of material. It is sufficient if the material on record discloses a prima facie case. In the present case, the call detail records, mobile forensic analysis, and surrounding circumstances cumulatively establish a strong prima facie case against the petitioner. It is thus, contended that the petitioner's plea of mere information-sharing is an oversimplification and an attempt to dilute his actual role, which is borne out from the electronic evidence collected during investigation. The chain of circumstances clearly points towards his active involvement in facilitating and coordinating the alleged illegal act.

17. In view of the aforesaid, learned Deputy Advocate General submits that the petition, being devoid of merit, deserves to be dismissed, as the allegations against the petitioner require thorough adjudication during trial and cannot be scuttled at the threshold by invoking the inherent jurisdiction of this Court. In support of his contentions, learned Deputy Advocate General has placed reliance on the following judgments rendered by Hon'ble

The Supreme Court :-

(i) **Neeharika Infrastructure vs. State of Maharashtra [2021(19)SCC 401].**

(ii) **Ajay Kumar Das vs. State of Jharkhand [2011(12) SCC 319].**

(iii) **CBI vs. Arvind Khanna [2019(10) SCC 666].**

(iv) **State of Odisha vs. Pratima Mohanti [2022(16) SCC 703].**

(v) **CBI vs. Aryan Singh [2023(18) SCC 399].**

(vi) **Kaptan Singh vs. State of U.P. [2021 (9) SCC 35].**

18. Heard the learned counsel for the parties and perused the charge-sheet.

19. Upon hearing learned counsel for the parties and perusing the material available on record, this Court is called upon to consider the preliminary objection raised by the respondent/State regarding the maintainability of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The principal contention of the respondent is that the petitioner has an efficacious alternative remedy of seeking discharge before the learned Trial Court and, therefore, the present petition is premature and not maintainable. This submission, though attractive at first blush, cannot be accepted as universally correct. It is well settled that the existence of an alternative remedy does not operate as an absolute bar to the exercise of jurisdiction under Section 528 BNSS, particularly if the petitioner is able to demonstrate that continuation of the proceedings would amount to an abuse of the process of law or would result in a miscarriage of justice. The jurisdiction under the said provision is wide and is intended, inter alia, to secure the ends of justice. In the present case, the foundational allegation against the petitioner is that he had passed on certain information regarding a vehicle allegedly carrying suspicious cash to co-accused Pooja Pandey. Beyond this, there is no direct material indicating his participation in the alleged interception, negotiation, or misappropriation of money. Upon a careful and comprehensive perusal of the material placed on record, particularly the statements of the complainant Sohan Lal Parmar, Mukhtar Khan, driver-Irfan, Aman Gurnani, co-accused Pooja Pandey, and other police personnel including Arpit Bhairam, Neeraj Rajput, Subhash Sadafal, Makhan Singh Inwati, Jagdish Yadav, Yogendra Chaurasia, Reetesh Verma, Kedar Singh, Rajesh Janghela, Ajay Rai, as well as the statements of Deepak Mishra, Additional Superintendent of Police, Seoni, and Constable Pramod Soni, this Court finds that there is no incriminating material whatsoever against the present petitioner. None of the witnesses, including the complainant and his associates, have made any allegation against the petitioner. Significantly, there is no material to show that the petitioner was in any manner in contact with the complainant party. No call detail or communication has been brought on record indicating any interaction between the petitioner and the complainant or his associates at any point of time. The statements of the complainant and other witnesses consistently attribute all overt acts to co-accused Pooja Pandey and the raiding party. There is no allegation that the petitioner was present at the spot, handled the cash, or derived any pecuniary benefit. It is further evident that the petitioner was not a member of the raiding party and had no direct role in the interception of the vehicle, recovery of the amount, or the alleged subsequent acts attributed to the co-accused persons.

20. The entire prosecution case against the petitioner rests on a singular allegation that he was in constant telephonic contact with co-accused Pooja Pandey, thereby suggesting his involvement in a criminal conspiracy. The prosecution seeks to implicate the petitioner primarily on the basis of call detail records and mobile forensic analysis indicating frequent communication between the petitioner and co-accused. However, the investigation itself reveals that the petitioner had merely forwarded information received from Constable Pramod Soni to Pooja Pandey. Beyond this, no overt act has been attributed to him. There is no evidence to indicate that the petitioner had any knowledge of, or participation in, the alleged illegal retention or misappropriation of the recovered amount. A crucial aspect of merits consideration is that the prosecution relies solely on call detail records. There is no call recording, no transcript of conversations, and no electronic chats or messages seized or produced before the Court. In absence of the contents of communication, the mere existence of calls without any substantive content demonstrating a prior meeting of minds or agreement to commit an illegal act, howsoever frequent cannot by itself constitute criminal conspiracy under Section 61(2) of the Bharatiya Nyaya Sanhita, 2023. Telephonic contact, in the nature of official communication between police officials, cannot be elevated to incriminating evidence without any supporting material indicating unlawful intent or agreement. Further, the investigation report dated 13.10.2025 itself proposed registration of FIR primarily against the main accused Pooja Pandey and other members of the raiding party. Even the principal accused has not made a single statement implicating the present petitioner in the alleged offence. This omission assumes significance and weakens the prosecution case against the petitioner.

21. As regards Sections 140(3), 310(2) and 126(2) BNS, which relate to kidnapping, dacoity and wrongful restraint, respectively, there is not even a whisper in the entire prosecution material attributing any overt act to the petitioner in the alleged commission of these offences. The gravamen of these allegations pertains to the acts allegedly committed at the spot by the raiding party. The petitioner's role, even as per the prosecution, is too remote and disconnected to attract these provisions. In absence of any corroborative material, mere existence of call records, without more, is insufficient to infer complicity or establish any nexus between the petitioner and the alleged offence.

22. The invocation of Section 238(b) BNS on the basis of alleged deletion of electronic data is equally unsustainable. There is no material to show that such deletion was with intent to cause disappearance of evidence of an offence. The allegation regarding deletion of the video is misconceived. The said video, as reflected from the material on record, was merely informational in nature, intended to demonstrate general techniques used in concealing or detecting illicit activities, particularly in cases involving hawala transactions. It cannot, by any stretch of imagination, be construed as having been shared with any criminal intent or in furtherance of the alleged offence. Even otherwise, its circulation, if at all, appears to be in good faith and for operational awareness in the course of duty, rather than to facilitate any illegal activity. In absence of any corroborative material linking the said video to the commission of the alleged offence, no adverse inference can be drawn against the petitioner.

23. Significantly, the record reveals that prior to the registration of the FIR, two preliminary enquiries were conducted by competent officers, and neither of them found any incriminating material against the petitioner. There is also no recovery effected from the petitioner, nor any evidence of wrongful gain. The material now relied upon by the prosecution, particularly the call records, was already within the knowledge of the authorities during the enquiry stage and does not constitute any fresh incriminating circumstance. Even if the entire prosecution case is accepted as it stands, the act of the petitioner in passing on information regarding suspicious movement of cash cannot, by any stretch of imagination, be said to fall outside the ambit of his official duties. In the absence of any material indicating dishonest intention or active participation in the alleged misappropriation, the continuation of criminal proceedings against the petitioner would be unjustified.

24. The implication of the petitioner thus appears to be founded merely on suspicion arising out of call detail records. It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of proof. While suspicion may justify investigation or interrogation, it cannot form the basis of a charge-sheet in absence of cogent, credible, and legally admissible evidence. It is well settled that while exercising inherent jurisdiction under Section 482 of the Code of Criminal Procedure/528 of BNSS, this Court

does not undertake a meticulous appreciation of evidence, but is nevertheless duty-bound to examine whether the material collected during investigation discloses the commission of any offence or raises a grave suspicion against the accused. The Hon'ble Supreme Court in **Union of India v. Prafulla Kumar Samal** reported in **(1979) 3 SCC 4** has held that where the material gives rise only to some suspicion and not grave suspicion, the accused is entitled to be discharged, and continuation of proceedings would be unjustified. The relevant para is quoted hereinunder :

"10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

> "(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.
> (2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.
> (3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.
> (4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of

the matter and weigh the evidence as if he was conducting a trial."

25. The principle laid down by the Hon'ble Supreme Court in **Prafulla Kumar Samal** (supra), though rendered in the context of framing of charge, has a clear and persuasive bearing while examining the legality of criminal proceedings at the threshold. The Court therein held that where the material on record gives rise only to some suspicion and not grave suspicion, the accused ought not to be compelled to face trial. By necessary analogy, this principle informs the exercise of inherent jurisdiction under Section 482 of the Code of Criminal Procedure/528 of BNSS as well, inasmuch as continuation of proceedings founded merely on conjectural or weak suspicion would amount to an abuse of process. It is equally well settled that where the allegations and material, even if taken at face value, fail to disclose the essential ingredients of an offence or do not rise above mere suspicion, the Court would be justified in interdicting the proceedings at the inception.

26. In the present case, the prosecution primarily relies upon alleged WhatsApp calls and telephonic communications between the parties. However, it is an admitted position that there is no transcript, recording, or legally admissible electronic evidence placed on record to establish the contents of such conversations. At best, the material produced only indicates that certain calls were exchanged, which merely proves the factum of communication and not the substance thereof. In absence of any authenticated record in terms of the requirements of electronic evidence, the same cannot be treated as substantive material capable of establishing the ingredients of the alleged offence.

27. In the present case, the material on record fails to disclose any meeting of minds, prior agreement, or concerted action on the part of the petitioner so as to constitute an offence of conspiracy or any other alleged offence. The essential ingredients of the offences invoked are conspicuously absent qua the petitioner.

28. Thus, the entire edifice of the prosecution case rests on conjectures and unverified inferences, which do not travel beyond the realm of mere suspicion. The material on record fails to disclose any proximate or direct nexus between the petitioner and the alleged offence, nor does it give rise to the degree of grave suspicion as contemplated in **Prafulla Kumar Samal** (supra).

29. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal** reported in **1992 Supp (1) SCC 335** has authoritatively laid down the parameters governing the exercise of inherent powers for quashing of FIR and criminal proceedings. The Court held that where the allegations made in the FIR or the material collected during investigation, even if taken at their face value and accepted in entirety, do not *prima facie* constitute any offence or make out a case against the accused, such proceedings deserve to be quashed. It was further held that where the allegations are so absurd and inherently improbable that no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding, or where the proceedings are manifestly attended with mala fide and instituted with an ulterior motive, the High Court would be justified in exercising its jurisdiction to prevent abuse of the process of law. The said judgment thus clearly enunciates that criminal prosecution cannot be permitted to continue on the basis of mere suspicion,

conjectures, or unsupported allegations. The relevant para is quoted herein under :

> "102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.
> (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
> (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
> (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
> (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
> (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
> (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance

of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

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

30. In view of the foregoing analysis, this Court is of the considered opinion that the continuation of criminal proceedings against the present petitioner is wholly unwarranted and amounts to abuse of the process of law. The allegations against the petitioner are not supported by any substantive evidence and are based merely on conjectures and inferences drawn from call detail records, which by themselves are insufficient to establish criminal liability.

31. Accordingly, this Court is of the considered opinion that the essential ingredients of offences punishable under Sections 310(2), 126(2), 140(3), 61(2) and 238(b) of the Bharatiya Nyaya Sanhita, 2023 are not made out against the present petitioner and the petition deserves to be and is hereby **allowed**. The charge-sheet and all consequential criminal proceedings arising out of Crime No.473/2025 registered at Police Station Lakhanwara, District Seoni (M.P.), insofar as they relate to the present petitioner, are hereby quashed. The petitioner is discharged from all above mentioned charges.

(HIMANSHU JOSHI)
JUDGE

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