

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL
MISC. CRIMINAL CASE No. 20880 of 2026**

TIRATHDAS MOTWANI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Saurabh Kumar Sharma – Advocate for the applicant.

Shri Santosh Yadav – GA for the respondent No.1/State.

Shri B.P. Singh and Shri Ruchir Jain – Advocates for the respondents No.2 to 4.

Reserved on : 06.07.2026

Pronounced on : 24.07.2026

ORDER

This petition u/S 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS,2023) is filed for quashing of the FIR relating to Crime No.185/2026 registered at Police Station Madhavnagar, District Katni for offence punishable u/S.318(4) of BNS and consequential proceedings arising therefrom, on the basis of compromise between the parties.

2. Learned counsel for petitioner submits that in this case there has been compromise between the petitioner and respondents No.2 to 4/complainants, therefore, there is no need to proceed further in the matter. It is, thus, contended by the petitioner that in view of the compromise between them, the FIR and proceedings be quashed.

3. Learned counsel for respondents No.2 to 4/complainants submits that there are two accused in this case; one is the present petitioner and the other is Om @ Udhav Motwani. It is further submitted that both the accused persons have taken Rs.18 lac from respondents No.2 to 4 through mobile phone. The present petitioner has returned Rs.9 lac to them, therefore, they have compromised the matter in respect of the present petitioner, but they have not compromised the matter in respect of co-accused Om @ Udhav Motwani.

4. Learned counsel for respondent No.1/State submits that criminal case has been registered against the petitioner and his brother. There is allegation against both the accused persons that they have made forged letter pad and obtained money, therefore, offence punishable under Section 326(3), 340(1), 340(2) of BNS have been added. Named FIR has been lodged against the petitioner. Despite giving information, petitioner has not appeared before the police. He is not co-operating in the investigation. He is required in the investigation. Matter is under investigation and evidence is to be collected. Signature of petitioner is also to be obtained for examination of hand writing. Charge-sheet is yet to be filed. It is further submitted that this case relates to documentary evidence. Hence, they prayed for rejection of this petition.

5. Heard, learned counsel for the parties and perused the record.

6. In case of State of ***Haryana v. Ch. Bhajan Lal reported in AIR 1992 SC 604***, the Supreme Court laid down the principles for the exercise of the jurisdiction by the High Court in exercise of its powers under Section 482 Cr.P.C/528 of BNSS to quash the proceedings, as under :

“108. 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 CrPC which we have extracted and

reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) CrPC except under an order of a Magistrate within the purview of Section 155(2) CrPC.

(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) CrPC.

(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 Act concerned (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.”

7. In the case of **Gian singh Vs State of Punjab, (2012) 10 SCC 303**, the Supreme Court has held as under:

“The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.:

- (i) to secure the ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the

compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. Hon'ble the apex Court again in the case of *Munshiram Vs. State of Rajasthan and Another* passed in Criminal Appeal No.515-516 of 2018 on 09/04/2018 in paragraph No.13 has held as under:-

“In light of the fact that the enquiry was pending and there are aspects which may require investigation, we are of the considered opinion that the High Court erred in quashing the FIR at the threshold itself without allowing the investigation to proceed. We cannot agree with the reasons provided under the impugned judgment concerning certain factual assertions made by the Respondents as to the condition of the deceased and reasons for committing suicide because acceptance of the said would not be in consonance with the settled jurisprudence under Section 482 of CrPC as laid down by various judgments of this Court.”

9. Hon'ble the apex Court in the case of *Sharla Bazliel Vs. Baldev Thakur and others* decided on 17.03.2026 in SLP (Crl.) No.3533/2024 in paragraph Nos.14, 15, 16 has held as under:

“14. On a perusal of the impugned order, we find that the High Court interfered in exercise of its inherent powers and quashed the FIR at the very threshold when investigation was in full swing and vital material was yet to be collected.

15. The High Court recorded that the necessary ingredients of fraud, misrepresentation or forgery were not made out from the allegations set out in the FIR. The High Court also held that the FIR had been lodged on the basis of speculations and that such allegations were not sufficient to constitute cognizable offences. With these findings, the High Court proceeded to quash the entire proceedings of the FIR.

16. We may observe that where allegations of forgery are set out in the FIR and Investigating Agency has undertaken the exercise of getting the disputed documents examined through the handwriting expert, an order quashing the FIR without awaiting the outcome of the handwriting expert's report would be totally unjustified."

10. Hon'ble the apex Court again in the case of ***Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and other reported in AIR 2021 SC 1918*** in paragraph No.23 has held as under:

"23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under [Section 482 Cr.P.C](#) and/or under [Article 226](#) of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/chargesheet is filed under [Section 173 Cr.P.C.](#), while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under [Section 482 Cr.P.C.](#) and/or under [Article 226](#) of the Constitution of India, our final conclusions are as under:

i) Police has the statutory right and duty under the relevant provisions of the [Code of Criminal Procedure](#) contained in Chapter XIV of the Code to investigate into a cognizable offence;

ii) Courts would not thwart any investigation into the cognizable offences;

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

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

v) *While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;*

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

viii) *Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;*

ix) *The functions of the judiciary and the police are complementary, not overlapping;*

x) *Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;*

xi) *Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;*

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported.*

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

xiii) *The power under [Section 482 Cr.P.C.](#) is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;*

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of *R.P. Kapur* (supra) and *Bhajan Lal* (supra), has the jurisdiction to quash the FIR/complaint;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under [Section 482 Cr.P.C.](#), only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;

xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under [Section 482 Cr.P.C.](#) and/or under [Article 226](#) of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under [Section 438 Cr.P.C.](#) before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under [Section 173 Cr.P.C.](#), while dismissing/disposing of the quashing petition under [Section 482 Cr.P.C.](#) and/or under [Article 226](#) of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under [Section 482 Cr.P.C.](#) and/or under [Article 226](#) of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the

application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

11. The factual matrix of the present case is examined in the light of aforesaid propositions of law. The investigation is at preliminary stage. Petitioner and co-accused are not appearing before the police and not cooperating in the investigation. During investigation, statements of witnesses have been recorded. There is allegation against the petitioner and co-accused person that they have made forged letter pad and obtained money, therefore offence punishable under Section 326(3), 340(1), 340(2) of BNS have been added. Further investigation may reveal other offences committed by the accused. Therefore, in the considered opinion of this Court, no case is made out to invoke the inherent power u/S 482 of Cr.P.C. for quashing of FIR relating to Crime No.185/2026 registered at Police Station Madhavnagar, District Katni for offence punishable u/S.318(4) of BNS and consequential proceedings arising therefrom on the basis of compromise.

12. The petition, sans merit, is **dismissed**.

(PRAMOD KUMAR AGRAWAL)
JUDGE

Sateesh