



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VISHAL MISHRA
ON THE 8th OF SEPTEMBER, 2025**

WRIT PETITION No. 20604 of 2025

Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Anil Khare and Shri Naman Nagrath – Senior Advocates assisted by Shri Chandrahas Dubey, Vikas Upadhyay, Ravindranath Chaturvedi, Ramnath Dwivedi, Hitendra Golhani and Shri Utsarg Agrawal - Advocates for the petitioner.

Shri A. S. Baghel – Government Advocate for the respondents No.1 to 3 / State.

None for the respondent No. 4, even after service of notice.

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ORDER

The present petition under Article 226 of the Constitution of India is filed assailing the FIR dated 11.6.2025 registered at Crime No. 255 of 2025 in Police Station Civil Lines, Rewa (M.P.) by the respondent No. 4 for the offence under Section 65 (2) of BNS, 2023 and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act') against the petitioner.

2. Counsel appearing for the State has submitted that respondent no. 4 has been served and intimation regarding service to respondent no. 4 is



uploaded in the reference column vide document dated 12.8.2025 sent by the In-charge, Police Station Civil Line, District Rewa.

3. State counsel has produced the case diary.

4. It is the case of the petitioner that he is a designated Senior Advocate practicing in the High Court of Madhya Pradesh since last more than 20 years. He belongs to a family of lawyers who all have given dedicated service to this Institution for almost more than five decades. Respondent no. 4 is the complainant and she has two minor daughters and she is in the habit of making a false and frivolous complaints regarding sexual assault against various people in her name as well as in the name of her minor daughters with ulterior motives. In order to file a criminal revision against the order dated 15.4.2024, the complainant came to the office of the petitioner. The case of the complainant was drafted and filed by the petitioner's office on 15.5.2024. However, while preparing the matter for admission, on going through the records of the case, he came to know about the similar allegations being made by the respondent no. 4 against other persons in the past and found that the complainant is in the habit of making false and frivolous complaints in order to blackmail the people. So he asked her to engage another advocate and gave N.O.C. to the complainant on 27.9.2024. The denial of the petitioner to handle her case led to filing of frivolous complaints against the petitioner in order to blackmail him and to pressurize him. First complaint was made on 30.11.2024 against the petitioner wherein she has mentioned that she visited the petitioner's office prior to Navratri from 3.10.2024 to 12.10.2024, the petitioner outraged her modesty. A legal notice sent by her was issued on 21.10.2024. However, in the legal notice, there was no such allegation levelled against the petitioner. The said legal notice was received on 24.10.2024. In the notice, she



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demanded that the petitioner to represent her in the case or return the fee which was paid to him else she would initiate legal proceedings against him. Thereafter, she made a complaint to the Superintendent of Police on 30.11.2024.

5. It is further pointed out that on 20.12.2024 the complainant went to meet the petitioner at High Court of Madhya Pradesh, Jabalpur with regard to her matter and on that date, the petitioner committed rape on her two years old daughter in front of Court Room No. 15 in the high court premises. This was a second attempt made by her to implicate the petitioner in a criminal case. Another complaint was made on 27.12.2024. The matter was investigated by the police authorities. Even CCTV footage was collected and the complaint made by the respondent no. 4 was found to be incorrect. Thereafter, the complainant again made similar complaints to the Collector, Rewa, Chief Medical Officer, Rewa, Inspector General of Police, Rewa, State Bar Council of Madhya Pradesh, Jabalpur with respect to the alleged incident that took place on 20.12.2024 in the High Court premises. However, as nothing was found against the petitioner in the enquiry, the complaint was closed by making entry in the Rojnamcha Sanha dated 29.12.2024. It was informed by the petitioner to the police authorities that the allegation levelled with respect to the alleged incident dated 20.12.2024, he was not in Jabalpur. He was at New Delhi from 17th night to 21st morning. He also provided his flight tickets, train tickets and details of the proximity card of high security area of the Supreme Court. The police authorities submitted the report on 24.2.2025 and found the complaint to be frivolous. The said report is not put to challenge till date.

6. Thereafter, again an FIR was registered against the petitioner at Crime No.255/25 on 11.6.2025 at Police Station Civil Line, Rewa for the



offence under Section 65 (2) of the BNS, 2023 and under Sections 5 and 6 of the POCSO Act. The allegation levelled against the petitioner is that in the intervening night of 7.6.2025 her husband went to the toilet. The petitioner entered into her house and committed rape on her daughter. When she woke up, she saw a bald person running from her house. She followed him and saw that it was the petitioner. She raised hue and cry and when her husband came back from toilet, she narrated the entire incident to him. She took her daughter to the hospital where she was admitted and MLC was got done. The petitioner submitted detail particulars to the police authorities regarding the fact that he was at Rewa on that date as his parental house is at Rewa. The house of the complainant is near about 4 to 5 Kms away from his house. CCTV footage was given to the police authorities shows that from 10:50 pm till 7 am in the morning there was no movement. He has also requested the authorities to collect the CCTV footage of adjoining houses to carry out the fair investigation in the matter.

7. It is argued that with the malice intent and just to blackmail the petitioner, such frivolous complaint has been made against the petitioner. There was no material on record to show that the petitioner in any way is involved in commission of the alleged offence. The police authorities have completed the investigation and submitted closure report before the competent trial Court. They found the complaint to be false and frivolous. Therefore, interference is called for. Counsel appearing for the petitioner has relied upon the judgment passed by the Hon'ble Supreme Court as well as this Court in the case of ABC Vs. State and another, reported in 2024 SCC Online Del 8113, Prashant Bharti Vs. State (NCT of Delhi) reported in (2013) 9 SCC 293, Vishnu Kumar Tiwari vs. State of U.P., reported in 2019 Supreme (SC) 923, Bhagwant Singh Vs.



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Commissioner of Police and another, reported in (1985) 2 SCC 537, Karthick Theodore vs. The Registrar General and others passed in WA (M.D.) No.1901 of 2021 and Vasunathan Vs. The Registrar General, reported in 2017 SCC Online Kar, 424.

8. Counsel appearing for the petitioner has placed on records the Rojnamcha Sanha entry that she first went to the police authorities. If Rojnamcha Sanha is seen then there is no mentioning of any of the allegation levelled against the petitioner with regard to the date of incident. She has not even disclosed any information about the criminal incidence, therefore, the FIR was not registered at initial stage. But subsequently, when she came to the police station and orally made a complaint, the authorities were under compulsion to register an FIR in terms of the directions given by the Constitutional Bench of the Hon'ble Supreme Court in the case of **Lalita Kumari Vs. Govt. of U.P. & Ors** passed in W.P. (criminal) No. 68 of 2008 on 12.11.2013, which provides that the police authorities are duty bound to register an FIR with regard to the cognizable offence, therefore, the FIR was registered against the petitioner.

9. It is argued that such frivolous complaint which does not make out a case against the petitioner should not be entertained as it amounts to abuse of process of law, therefore, it should be quashed at the threshold. Permitting to continue such proceeding against the petitioner would amount to harassment and will be a dent to the reputation of the petitioner who is senior counsel of the High Court of Madhya Pradesh and to his family who is having a long standing in this noble profession for last 50 years. It is further prayed that the authorities be directed to take action against complainant invoking Section 22 of the POCSO Act, 2012. Therefore, he has prayed for quashment of such proceedings.



10. On notice being issued, a detailed reply has been filed by the state authorities. It is pointed out that in view of the directions given by this Court not to take any coercive action against the petitioner and not to make circulation in any newspaper or social media with respect to the incident, they have complied the directions given by this court on 17.6.2025. It further pointed out that the authorities during the investigation have collected the several documents including the MLC report, the documents relating to the treatment of the girl, statement of the complainant and the persons residing in the vicinity. They have also collected the tower location of the suspected persons, CCTV footage of all the possible places and the samples were collected for sending it to the forensic examination. After conducting the complete investigation, the police authorities arrived at a conclusion that no case is made out against the petitioner and they have submitted the closure report before the Superintendent of Police, District Rewa for approval. The Superintendent of Police, Rewa approved the same and the same was directed to be presented before the concerning Magistrate. It is fairly conceded by the State Counsel that in the investigation, the police authorities have not found any allegation made against the petitioner to be correct; therefore, the closure report is submitted. It is contended by the State counsel that as the closure report is submitted before the trial Court and now it is for the trial court to look into the same and take a final decision on the closure report.

11. State counsel has pointed out that after completion of the investigation, closure report has been filed before the trial court and the prosecutrix has marked her presence before the trial court.

12. Heard learned counsel for the parties and perused the record.



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13. From perusal of the record, it is seen that it is an admitted position that on earlier occasion, several complaints were made by the complainant against other persons and also against the petitioner. Chronology of the complaints made by the complainant on earlier occasions is pointed out herein below in a tabular form :-

Case No.	Allegations & alleged victim	Alleged accused	Outcome
UNC R/172 /2023	Elder daughter is shown as victim. Alleged offences under Section 323, 294, 452, 506, 376, 34 of IPC		CWC, Rewa has on 26/09/2023 reported that daughter has not supported her allegations and the complainant is using the case to settle family dispute and because of old enmity. The case was accordingly dismissed by the court.
UNC R- 22/24	Elder daughter is portrayed as a victim. Offence alleged under sections 354, 376, 294, 506 of IPC & Section 3 & 4 of POCSO		That vide order dated 15/04/2024 the Special Court dismissed the case on examining the police report and other evidence, holding that the case is fabricated and is not even supported by her statement of her elder daughter as well.

Sr. No.	Nature of complaint	Allegations & victim, if any	Outcome
1.	Legal Notice received on	It is alleged that the petitioner has taken complete fee of the	Not perused by the



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	24/10/2024	matter but is now refusing to context her case and has given NOC in the matter	complainant
2.	Made a complaint at Jabalpur showing herself as victim wherein alleged incident is of a date prior to 3/10/2024	That in said complaint dated 30/11/2024 she has alleged that somewhere prior to navratri (which started on 3/10.2024) petitioner has outraged her modesty and has asked for sexual favour from her as a condition to continue representing her in her Criminal Revision. However, there is no whisper about the said incident in her legal notice sent on 24/10.2024	Detailed inquiry conducted by Jabalpur police and complaint was found to be false and frivolous
3.	Made a complaint of sexual assault on her 2 year old daughter	That in a complaint made to SP, Rewa she alleges that she had gone to meet the petitioner at High Court and when she was inside court no. 15 of MP High Court at Jabalpur, petitioner has kidnapped her 2 year old child and has raped her in front of court no. 15 of High Court.	Amahiya Police did not find any evidence in the case and closed it by making rojnamcha entry on 29/12/2024
4.	Makes another complaint at Jabalpur showing her 2 year old child as victim for the same incident which was rejected by Rewa Police	That for the same incident she made numerous complaints from SP Jabalpur to State Bar council, alleging that petitioner has raped her 2 year old daughter in front of court no.15 of MP High Court at 4:30 PM on 20/12/2024	That Jabalpur police investigated the matter in detail and dismissed the same recording that the same is false and fabricated and also recording that complainant is in habit of making such false and frivolous complaints.
5.	For incident which allegedly occurred on the night of 7 th -8 th June	That for the same date and time, on which later FIR has been registered, the complainant got her daughter hospitalized after 3 days of	The complaint is closed by making rojnamcha entry. It is mentioned therein that



		incident and called police but police did not find any ingredient of any cognizable offence in her complaint.	complainant is in habit of making false acquisition against people.
6.	Present FIR on 11/06/2025	That within hours of her complaint having been closed by rojnamcha entry, the police (for reasons best known to them) permitted her to make a complete U-turn, change her statement and alleged commission of rape of her 3 year old daughter. However, the allegations in FIR still remain very sketchy, alleging that petitioner was staying in her neighbourhood and has entered inside her house around 12-1 AM in intervening night of 7 th & 8 th June, 2025 and has raped her 2 year old daughter. However, there is not even a whisper of all earlier attempts made by her and rejection of her complaints for the same incident only hours before registration of present FIR.	That despite the fact that complainant has been held to be in habit of making such frivolous allegations against people in past and also that she was found to have made a similar fake and frivolous allegation against petitioner just couple of months back, and even hours before the lodging of FIR, the police registered FIR against the petitioner, which is pending as of now.

14. From perusal of the aforesaid it is apparently clear that the complainant is in the habit of making false and frivolous complaints. On perusal of the aforesaid chart it is seen that the complaint UNCR No.172/23 wherein her elder daughter was shown as a victim. The daughter herself has not supported the allegation made by the complainant. It is further observed that the complainant by using her daughter had tried to settle the family dispute. However, that complaint was dismissed by the Court. Another complaint UNCR No.22/24 wherein the elder daughter is portrayed as a victim, the Special court also dismissed the complaint on 15.4.2024 after examining the police report



and other evidence and there was a specific observation made by the Court that the complaint is fabricated and not being supported even by the statement of her elder daughter. She has made a complaint against the petitioner regarding outraging her modesty and on the said complaint, a detailed enquiry was conducted by the police authorities and the complaint was found to be false and frivolous. She had made a complaint against the petitioner regarding outraging her modesty and on the said complaint, a detailed enquiry was conducted by the police authorities and the complaint was found to be false and frivolous. She again made a complaint regarding sexual assault on her two years old daughter in front of the Court room no. 15 in the premises of the High Court, Jabalpur. The matter was thoroughly investigated by the police authorities. They have even collected the CCTV footage and recorded the statements and found that the complaint is false and frivolous. In pursuance to the said complaint, she has also made numerous complaints to the Superintendent of Police, Jabalpur and Chairman, State Bar Council regarding offence of rape being committed by the petitioner on her two years old daughter in front of Court room no. 15 in the High Court premises. Another complaint with respect to the alleged incident in the intervening night of 7th & 8th of June, 2025, the complainant got her daughter admitted in the hospital after three days of the incident. The police authorities investigating the matter have not found any ingredients of the cognizable offence. The complaint was closed by making entry in the Rojnamcha Sanha further observing that the complainant is in the habit of making false accusation against several persons. Thereafter, the complainant appeared before the police authorities and on her oral complaint, an FIR has been registered.



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15. It is surprising that once the police authorities have already closed the complaint by making entry in Rojnamcha Sanha No. 39 dated 11.6.2025, then how the police authorities have taken a somersault within a short period and register the FIR against the petitioner. The relevant extracts of Rojnamcha Sanha entry is important and the same is as under:-

रोजनामचा विवरण

स्थान : रीवा
दिन : बुधवार
दिनांक : 11/06/2025

थाना : सिविल लाइंस
समय : 01:57

प्रविष्टि क्रमांक	प्रविष्टि का प्रकार	समय	ब्यौरे	सन्दर्भ
039	अन्य	01:57	<p>रोजनामचा प्रविष्टि निरीक्षक KAMLESHKUMARSAHU पुलिस सिपाही/sarad singh chandel द्वारा की गयी बजे की सूचना मुझ उप-निरीक्षक ऑचल सिंह से है कि महिला संबंधी शिकायत पर कार्यवाही हेतु मुताबिक आदेश श्रीमान पुलिस अधीक्षक महोदय के sgmh रीवा पहुंची जो अस्पताल से एमएलसी भर्ती सूचना की तहरीर प्राप्त होने पर smgh रीवा के बच्चा वार्ड पहुंची और आवेदिका xxx xxx xxx हाल निवास किराये का मकान दीनदयाल धाम कालोनी पडरा थाना सिविल लाइन रीवा के बच्ची xxx उम्र 3 वर्ष से मिली तो उसे उसका नाम पूछा जो अपना नाम xxx तथा अपने पिता का नाम xxx व माँ का नाम xxx बताई तब xxx से उसके साथ हुए किसी भी प्रकार की कोई घटना के संबंध में पूछताछ की जो कोई जानकारी न देते अपनी माँ xxx की तरफ देखने लगी कि सभी xxx बोली कि घटना दिनांक समय चक मेरी बच्ची सो रही थी उसे कुछ नहीं पता जो भी पूछताछ करनी हो मुझसे करो। चूंकि इसके पूर्व भी कई बार उक्त आवेदिका द्वारा इस प्रकार की झूठी सूचना थाना में दी गई थी, इसलिए पीड़िता से पूछताछ करना प्रथम दृष्टता उचित समझते हुए, मैंने आवेदिका से कहा कि मैं पहले पीड़िता से पूछताछ कर लूँ फिर आपसे पूछताछ करूंगी, बस इसी बात पर आवेदिका xxx मेरे साथ अनरगल बात चीत करते हुए वर्दी फाड़ कर फेंकने हेतु कहने लगी, तब मेरे द्वारा आवेदिका को शांत रहने हेतु कहा जाकर कथन लेख कराने हेतु कहा गया जो आवेदिका ने अपने कथन में बताया कि</p>	रिपोर्ट बावत न लेख कराने आवेदिका द्वारा घटना के संबंध में तथ्यात्मक कथन, करने अनरगल बातचीत पूछताछ के



		<p>दिनांक 7/6/25 व 8/6/25 (शनिवार व रविवार) की दरमियानी रात में अपने पति व दोनों बेटियों के साथ कमरे में सो रही थी, पति बाथरूम गए तो मेरी नींद खुल गई तो मैंने किसी व्यक्ति को कमरे से बाहर जाते देखा, जिसके सिर में बाल नहीं थे, कमरे में अंधेरा था, इसलिए चेहरा व पहने हुए कपड़े नहीं देख पाई थी, लेकिन मुझे शंका है कि वह व्यक्ति नारेन्द्र नगर निवासी प्रकाश उपाध्याय वकील रहा होगा क्योंकि वह अक्सर मेरे पड़ोसी गोलू साकेत के कमरे में आता जाता रहता है। आवेदिका द्वारा अन्य कोई जानकारी नहीं दी। चूंकि आवेदिका द्वारा घटना के संबंध में तथ्यात्मक कथन लेख नहीं कराया गया, जिससे अपराध पंजीबद्ध नहीं किया जा सका, उक्त सूचना से वरिष्ठ अधिकारीगण को अवगत कराकर रिपोर्ट इतलान दर्ज की जाती है, बाद मुताबिक आदेश वरिष्ठ अधिकारीगण अग्रिम वैधानिक कार्यवाही आइंदा की जाती है।</p>	
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16. On perusal of the said document (Rojnamcha Sanha report) coupled with the reply submitted by the State authorities that they have not found the complaint to be correct and also the fact that the complainant /respondent no. 4 being habitual of making false and frivolous complaints against people, no offence is found to be made out against the present petitioner.

17. The Hon'ble Supreme Court in number of cases has considered similar aspect and has held that the FIR can be quashed in a proceeding under Section 482 of Cr.P.C. as well as Article 226 of the Constitution when the complaint made are found to be false and frivolous and permitting to continue the such complaint, amounts to abuse of process of law. The Hon'ble Supreme court in the case of **State of Haryana and others Vs. Bhajan Lal reported in 1992 Supp.(1) SCC 335** has considered the similar proposition and laid down the guidelines. The said aspect has again been considered in the recent judgment by the Hon'ble Supreme court in the case of **Neeharika Infrastructure (P) Ltd. vs State of Maharashtra reported in (2021) 19 SCC 401** has dealt with



the proposition of quashing of the FIR and especially in paragraph 80 has framed guidelines, which reads as under :-

"80. 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/charge sheet 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 rare 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."

18. If the aforesaid principles are applied in the facts and circumstances of the present case, it is clearly seen that permitting to



continue the proceedings against the petitioner who is senior advocate and is having long standing of 20 years in the High Court of Madhya Pradesh coupled with the fact that the police authorities during investigation themselves have found that no offence is made out and submitted the closure report before the concerning Magistrate. Permitting to continue such proceedings against the petitioner is falling under the guidelines of the Hon'ble Supreme Court and will amount to clear abuse of process of law.

19. The Hon'ble Supreme Court in the case of **Haji Iqbal @ Bala Through S.P.O.A vs. State of U.P. and ors**, reported in 2023 Supreme (SC) 693 in a case under Section 376 (d) of IPC has observed as under :-

13.....It cannot be lost sight of that rape causes the greatest distress and humiliation to the victim but at the same time a false allegation of rape can cause equal distress, humiliation and damage to the accused as well. The accused must also be protected against the possibility of false implication, particularly where a large number of accused are involved.

14. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are



disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The court while exercising its jurisdiction under Section 482 of the Cr.P.C or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation / registration of the case as well as the materials collected in the course of investigation.”

20. If the facts and circumstances of the present case are analyzed in the light of the aforesaid judgments passed by the Hon’ble Supreme Court then it is seen as under :-

- (i) With regard to the alleged incident dated 11.6.2025 the complainant has stated in the FIR that she went to Jeevan Jyoti Hospital for treatment of her minor daughter where the doctor has stated that wrong act has been committed with her and told that he will not do her treatment and advised her to go to government hospital for treatment.
- (ii) Thereafter, on 8.6.2025 she went to Sanjay Gandhi Hospital, Rewa where her daughter got admitted and got her MLC done. However, in the investigation done by the police authorities, it is found that the statement made by the complainant is found to be incorrect.
- (iii) They have recorded the statement of the doctor Santosh Kumar Shukla who has pointed out that complainant along with her daughter came in his clinic and made no complaint regarding rape being committed with her. The doctor has told that there is no child specialist in his clinic and she was



advised her to go to Sanjay Gandhi Hospital. Therefore, this statement to that effect that the doctor has stated that the rape has been committed with girl child, is found to be incorrect.

- (iv) Statement of the husband of the complainant has been recorded who has categorically stated that in the intervening night of 7.6.2025 nobody entered his house. His daughter was not well from yesterday; therefore, she was taken to hospital.
- (v) Statements of the tenants namely Uma Rawat, Uma Sake, and Sanju Rawat were taken and statement of landlord of the complainant namely Durghatiya Vishwakarma was also taken and they all have categorically stated that the complaint made by the complainant is incorrect and she is habitual of making a false complaint.
- (vi) Rojnamcha entry of 11/6/2025 reflects that the complainant has not made any specific allegation with regard to the alleged incident.
- (vii) Nothing was found in MLC report dated 11.6.2025
- (viii) Forensic report dated 15.07.2025 indicates that no male Y Chromosome STR DNA profile detected.
- (ix) Previous conduct of complainant.

21. However, this Court is having jurisdiction to quash the FIR and further proceedings even if the charge sheet is filed. The aforesaid aspect has been considered by the Hon'ble Supreme Court in the case of **Anand Kumar Mohatta Vs. State (Govt. of NCT of Delhi)**



Department of Home and another reported in (2019) 11 SCC 706

wherein it is observed as under :

14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge-sheet is filed, petition for quashing of FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in Joseph Salvaraj A. v. State of Gujarat [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23] . In Joseph Salvaraj A. [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23] , this Court while deciding the question whether the High Court could entertain the Section 482 petition for quashing of FIR, when the charge-sheet was filed by the police during the pendency of the Section 482 petition, observed : (SCC p. 63, para 16)

“16. Thus, from the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge-sheet had been filed, the learned Single Judge [Joesph Saivaraj A. v. State of Gujarat, 2007 SCC OnLine Guj 365] could have still examined whether the offences alleged to have been committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not.”

16. There is nothing in the words of this section which restricts the exercise of the power of the Court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It is settled principle of law that the High Court can exercise jurisdiction under Section 482 CrPC even when the discharge application is pending with the trial court [G. Sagar Suri v. State of U.P., (2000) 2 SCC 636, para 7 : 2000 SCC (Cri) 513. Umesh Kumar v. State of A.P., (2013) 10 SCC 591, para 20 : (2014) 1 SCC (Cri) 338 : (2014) 2 SCC (L&S) 237] . Indeed, it would be a travesty to hold that proceedings initiated against a person can be interfered with at the stage of FIR but not if it has advanced and the allegations have materialised into a charge-sheet. On the contrary it could be said that the abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge-sheet after investigation. The power is undoubtedly conferred to prevent abuse of process of power of any court.

22. Under these circumstances, this Court is of the considered view that the prosecution against the petitioner cannot be permitted to



continue even for a minute and it has to be immediately interfered with and subsequent criminal proceedings has to be brought to an end being a malicious prosecution which is a monstrous prosecution.

23. In such circumstances, this Court deems it appropriate to quash the FIR vide Crime No.255/2025 dated 11.06.2025 registered at Police Station Civil Lines, District Rewa and all subsequent proceedings and accordingly, FIR No. 255 of 2025 dated 11.6.2025 registered at Police Station Civil Lines, Rewa (M.P.) and subsequent proceedings are **quashed.**

24. Before parting with this matter, looking to the facts and circumstances of the present case and the conduct of complainant and earlier records pertaining to lodging of false and frivolous complaints by the complainant, coupled with the provisions of Section 22 of the POCSO Act, 2012 and Sections 240 and 248 of BNS, 2023, this Court deems fit appropriate to issue directions to police authorities. Relevant Sections are as under :-

Section 22 of the POCSO Act, 2012

“22. Punishment for false complaint or false information.—(1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under Sections 3, 5, 7 and Section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both”

...

Sections 240 and 248 of BNS, 2023

240. giving false information respecting an offence committed - Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



248. False charge of offence made with intent to injure - *Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person -*

(a) shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which may extend to two lakh rupees, or with both;

(b) if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for ten years or upwards, shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

25. As this Court has already observed that the complaint made against the petitioner is found to be incorrect, coupled with the fact that there are series of complaints of sexual harassment made by the complainant without even caring the future of her own daughters just for settling her personal grievances or for the purpose of blackmailing the people and fetching money, which were found to be false and frivolous. The complainant is in a habit of making false complaint which amounts to sheer abuse of process of law and amounts to malicious prosecution. This not amounts to humiliation, causing harassment physically and mentally and tarnishing the image and reputation of the person made accused, in the entire society, which snatches away the right to live with dignity. To avoid lodging of false and frivolous complaints, the legislature thought it appropriate to frame Section 22 in POCSO Act, 2012 and Sections 240 and 248 in BNS, 2023.

26. As this Court has already observed herein above that the series of false and frivolous complaints have been made by the complainant



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against the various persons including the petitioner which after due investigation is found to be incorrect. It appears that the complainant just for settling her score and blackmailing the people is filing false and frivolous complaints. It is also pertinent to mention here that despite intimation being given to the complainant by the police authorities, the complainant herself has chosen not to appear before this Court. On the contrary it appears that she is watching the matter and as soon as the investigation is completed and the police authorities have submitted the closure report in the competent Court, she has marked her appearance before the trial court. This again goes to show that smart play is being made by the complainant. Under these circumstances, the complainant cannot be let off and she should be made to suffer the consequences for making a false complaint against the various persons including the petitioner.

27. Similar aspect was taken note of by the High Court of Judicature at Madras in Crl. O.P. No.1022 of 2024 and Crl.MP Nos.692 and 694 of 2024 dated 2.2.2024 parties being N. Dharmarajan vs. State and others. Relevant paragraphs are quoted herein below :-

“9. This Court cannot draw the curtains by closing this case since the above said Aravind and Pradeep have manipulated the minds of the young girls and had managed to fabricate a false complaint against the petitioner. This clearly amounts to making a false complaint or providing false information against a person in respect of the offence committed under the POCSO Act, solely with the intention to humiliate / defame the petitioner. This act on the part of the above said Aravind and Pradeep is an offence punishable under Section 22 of the POCSO Act.

10. In view of the above, there shall be a direction to the 1st respondent to immediately take action against Aravind and Pradeep under Section 22 of the POCSO Act. It is also left open to the 1st respondent to see if any other offence has been committed by them and accordingly, charge those persons.



This process shall be completed by the 1st respondent within a period of four weeks from the date of receipt of a copy of this order.”

28. Further, the Madras High Court in the case of CrI.O.P. No.21414 of 2019 parties being N. Chandramohan vs. The State and another, decided on 20.8.2019 has observed as under :-

“12.The object of the POCSO Act was to protect children from offence of sexual assault, sexual harassment, etc., and that is why the Act specifically provides for a legal presumption as to the commission of the offence and the culpable mental state, once a prosecution is launched under this Act. The burden of proof is upon the accused to prove that he had no such mental state with respect to the Act charged as an offence in that prosecution. The consequences of prosecuting a person under this Act are very serious and apart from providing for stringent punishments, the person who is prosecuted virtually comes down in the eyes of the society at large and he is virtually shunned from the main stream of the society.

...

15. .In the considered view of this Court, the 2nd respondent should not be let off and she should be made to suffer the consequences for having given a false complaint against her husband at the cost of her own daughter. The respondent police is directed to immediately proceed against the 2nd respondent under Section 22 of the POCSO Act for having given a false complaint and take action against her in accordance with law. This case should be a lesson for all those who attempt to misuse the provisions of this Act, just to satisfy their own selfish ends.”

29. Under these circumstances, the Superintendent of Police, Rewa is directed to take immediate action against the complainant taking note of Section 22 (1) of the POCSO Act and under Sections 240 and 248 of BNS, 2023 for making false and frivolous complaint against the petitioner in accordance with law.



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30. It is further observed that in future if any such complaint is made by the complainant, then before taking any coercive action, a preliminary enquiry should be conducted by the authorities. This direction is being given taking note of peculiar facts and circumstances of the present case as the complainant is in the habit of making false and frivolous complaints against various persons.

31. In above terms, the writ petition is allowed and disposed of finally. No order as to costs.

(VISHAL MISHRA)
JUDGE

JP