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

**BEFORE
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE**

ON THE 18th OF MARCH, 2024

MISC. CRIMINAL CASE No. 10749 of 2013

BETWEEN:-

**GOPAL YADAV S/O SHRI KHALAK SINGH YADAV, AGED
ABOUT 30 YEARS, OCCUPATION: AGRICULTURIST VILL
.RIJHODA P.S ASHOKNAGAR DISTRICT ASHOKNAGAR
(MADHYA PRADESH)**

.....APPLICANT

(NONE FOR THE APPLICANT)

AND

- 1. STATE OF M.P TH: P.S. KOTWALI ASHOKNAGAR
(MADHYA PRADESH)**
- 2. RAM TIWARI S/O VISBNATH TIWARI, AGED
ABOUT 50 YEARS, OCCUPATION: P.S.KOTWALI
ASHOK NAGAR, DISTT. ASHOK NAGAR (MADHYA
PRADESH)**

.....RESPONDENTS

***(BY SHRI LOKENDRA SHRIVASTAVA - PUBLIC PROSECUTOR FOR THE
STATE)***

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*This application coming on for hearing this day, the court passed the
following:*

ORDER

The present petition under Section 482 of Cr.P.C has been filed for quashment of FIR registered vide Crime No.960/2013, Police Station Kotwali Ashonagar, District- Ashoknagar for offence punishable under Sections 353, 332, 186, 188, 294, 336, 147, 148, 149 and 427 of IPC.

As per the case of prosecution, on 08/12/2013, at the time of counting of votes for the election of legislative assembly of M.P., some person unlawfully

gathered together and formed the unlawful assembly and caused damage to the public property and also used the force against the police force. On this basis, Police Station- Kotwali registered FIR against 40 unknown persons.

It is contended in the memo of this petition on behalf of petitioner that the registration of impugned FIR is illegal, arbitrary and contrary to law. There are material contradictions and omissions in the contents of the complaint as well as in the impugned FIR. There are no independent witnesses in the incident and only on the basis of general and omnibus allegations, petitioners have been falsely implicated. On these grounds, it was prayed that the present petition deserves to be allowed and the impugned F.I.R. be quashed.

Learned counsel for the State has opposed the prayer for quashing of the First Information Report and it was submitted that from the perusal of First Information Report, commission of a cognizable offence is clearly made out, therefore, the present petition be dismissed.

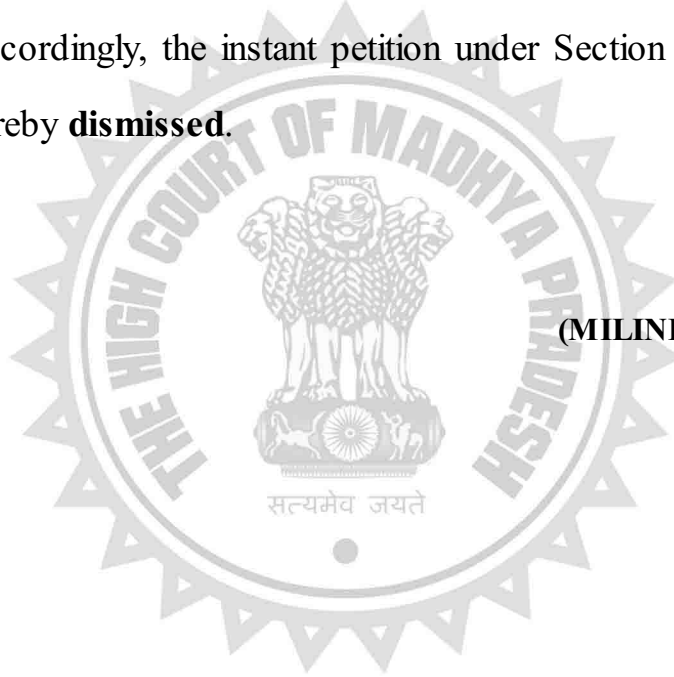
Heard counsel for the parties and perused the record.

Looking to the ingredients of FIR as well as the judgments of the Hon'ble Supreme Court in the matters of **State of Haryana v. Bhajan Lal** reported in **1992 Supp (1) SCC 335** and **Neeharika Infrastructure v. State of Maharashtra** reported in **(2021) 19 SCC 401**, it is evident that the Court should not interfere at the initial stage as it is a matter of evidence and the criminal proceedings should not be scuttled in mid-way and the Court cannot embark upon an enquiry as to reliability or genuineness of the allegations made by in impugned FIR. The police has statutory right and duty under relevant provisions of CrPC to first investigate into cognizable offence as to whether any offence is made out against accused like petitioner or not.

Considering the totality of facts and circumstances of the case as well as allegations levelled against petitioners and considering the law laid down by Hon'ble Apex Court as stated above, at this stage, this Court doesn't find any justifiable reason to quash the impugned F.I.R. warranting interference under Section 482 CrPC, as it has to be exercised for the ends of the justice and should not be arbitrarily exercised to cut short the normal process of a criminal trial and if any abuse of the process leading to injustice is brought to the notice of the court, then the Court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the Statute.

Accordingly, the instant petition under Section 482 of CrPC sans merit and is hereby **dismissed**.

Vijay



(MILIND RAMESH PHADKE)
JUDGE