
WHEN CAN COURTS QUASH CRIMINAL PROCEEDINGS? UNDERSTANDING THE LEGAL GUIDELINES IN INDIA

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Under Section 482 of the Criminal Procedure Code (CrPC) which is now taken over by Section 528 of the Bharatiya Nyaya Sanhita, 2023 (BNS), the higher judiciary holds inherent powers to quash criminal proceedings. The jurisprudence developed by the Supreme Court reflects a balancing act between protecting individual liberties and safeguarding the integrity of the criminal justice system. These powers are usually exercised to in cases where it deems appropriate and needed to prevent the abuse of the legal process, or halt frivolous, vexatious, or politically motivated FIRs which is something people working in the legal profession must have come across at-least once in their careers. In several cases, quashing becomes essential to uphold fundamental rights under Articles 14 and 19 of the constitution, ensuring that justice is not merely procedural but substantive. Ultimately, this exercise of power serves the desired job of any legal professional, which is to do right with the rights, and also right with the wrongs. As Dr. Martin Luther King Jr. also said “The arc of the moral universe is long, but it bends toward justice.” The powers of quashing are not merely to follow procedure or uphold procedural technicalities, but to ensure that justice is meaningfully served. However, over the time courts have taken into cognisance that this power must be used fairly and with great caution. The Supreme Court has consistently given guidelines to ensure that the boundaries of this power are not disregarded. Recently, the legal framework about quashing has seen a noteworthy evolution through the recent decades, especially with the rise in matrimonial disputes, corporate litigation, and misuse of criminal proceedings in civil disputes.

This article dives into the statutory framework, judicial interpretation, and new guidelines issued by the Supreme Court and High Courts regarding when a court can and cannot quash criminal proceedings.

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The most quoted judgement in this case is *State of Haryana v. Bhajan Lal*, 1992. Which later resulted in being landmark principles, as The Supreme Court laid down a seven-point test for the determination of quashing proceedings. The seven guidelines formed after this case were:

1. No prima facie offence is made out from the complaint.
2. The allegations in the FIR do not disclose a cognizable offence.
3. The allegations appear absurd or inherently improbable.
4. The proceedings are manifestly attended with mala fide intent.
5. The law or legal bar clearly prohibits the institution or continuance.
6. A civil dispute is cleverly camouflaged as a criminal offence.
7. The criminal proceeding is initiated with an ulterior motive for vengeance.

Though these guidelines are not rigidly applied in every case, but continue to serve as the foundational framework for courts when examining petitions seeking the quashing of any criminal proceedings. As they give a better and clear picture to evaluate the further steps and outset any frivolous or malicious prosecutions.

Though time there have been several changes that have come up in every little or big thing, and keeping that in mind these guidelines and principles has been joined by new judicial trends and guidelines, post 2020:

- Matrimonial Disputes and Settlement-Based Quashing, rising from cases like *Narinder Singh v. State of Punjab* (2014) and *Parbatbhai Aahir v. State of Gujarat* (2017) where The Supreme Court held that criminal proceedings involving private matters of disputes, can be quashed if the parties have settled amicably, regardless of the fact that even if the offence is non-compoundable. Recently, in the case of *Ramgopal & Anr. v. State of Madhya Pradesh*, the Supreme Court further liberalised the approach stating “High Courts can quash proceedings even in non-compoundable offences where the dispute is overwhelmingly of a private nature and does not impact the public at large.” This decision widened the scope of settlement based quashing and emphasized resolution and reconciliation over retributive measures.
- Economic Offences and Quashing, A Stricter Approach as while matrimonial and personal disputes may be quashed post-settlement, the court has adopted a cautious stance in economic and corporate fraud cases. In *CBI v. Maninder Singh* (2016), it was held that “Economic offences constitute a class apart. The settlement between parties cannot absolve the accused of criminal liability if the

offence impacts society.” In the same way, in *Serious Fraud Investigation Office (SFIO) v. Rahul Modi* (2022), the Supreme Court reaffirmed that offences such as corporate fraud, money laundering, and tax evasion cannot be quashed solely on the basis of a settlement between parties, as these crimes have significant implications on the nation’s economy and undermine public confidence in the legal and financial systems.

- Misuse of Criminal Law in Civil Disputes, similar to the case of *Indian Oil Corporation v. NEPC India Ltd. (2006)*, where the Supreme Court warned against converting civil disputes into criminal cases, often used as a pressure tactic. In *M/s. Indian Oil Corporation Ltd. v. M/s. NEPC India Ltd. & Ors. (2006)*, the Court emphasized: “The courts should not encourage litigants to settle civil scores by initiating criminal complaints.” Where the dispute is purely contractual and lacks any element of criminality, quashing is warranted.
- FIRs Based on Political or Malicious Intent, as mostly seen in politically motivated cases or where state machinery is misused, courts have stepped in to prevent harassment. In one such case of *Amit Shah v. CBI (2012)*, the Gujarat High Court quashed criminal proceedings citing mala fide political vendetta, later upheld by the Supreme Court. That was a statutory stance taken by the higher court to ensure that the boundaries of such a significant power are not overstepped in any way.
- Guidelines from Recent Supreme Court Cases, after observing over the years, the Supreme Court has laid down clearer guidelines for the exercise of quashing powers under Section 482 of the CrPC, particularly in its judgments from 2023 to 2024. In *Mahendra K.C. v. State of Karnataka*, the Supreme Court held that a complaint cannot be quashed merely because one or two ingredients of the alleged offence appear to be missing. It emphasized that the complaint in its entirety, must be so absurd or inherently improbable that no prudent person could believe the allegations. Building on this, in a judgement the High Court of Uttarakhand at Nainital reiterated that quashing is not a substitute for a full trial, especially when factual disputes are involved or when the case requires evaluation of evidence. The Court clearly stated that “disputed questions of fact or complex factual scenarios should not be decided under the quashing jurisdiction,” reinforcing the principle that the High Court’s inherent powers must be exercised vigilantly and

only in cases where allowing the proceedings to continue would amount to a miscarriage of justice, as High Courts are the guardians of the criminal process. However, their discretion under Section 482 must be exercised carefully, not liberally. The emphasis is on whether continuation of the trial serves any useful purpose or is simply harassment. The goal is not to replace trial courts but to prevent injustice at the very start of the process.

While concluding it can be said that the power of quashing under Section 482 of the CrPC and Section 528 of the BNS, is a crucial judicial tool designed to prevent the misuse of the criminal justice process and to uphold the broader principles of justice. However, its application demands a very cautious and balanced approach. Courts must ensure that this discretionary power is exercised only in exceptional cases where continuation of proceedings would result in injustice or serve no meaningful purpose. The evolving law, specifically in the post 2020 time, reflects a more refined understanding which allows greater flexibility in private disputes, especially where settlements are reached, while drawing a firm line in cases involving public interest, economic offences, and serious allegations that affect societal integrity. As the legal system continues to adapt to emerging challenges, these judicial guidelines focus on safeguarding both the rights of individuals and the collective interest of society. By ensuring that criminal law is not reduced to a tool for harassment or intimidation, but remains an instrument for fair judgement and accountability.

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