

## STEPS FOR QUASHING OF FIR

Recently, the Hon'ble Supreme Court of India in a **Criminal Appeal bearing no. 3831 of 2025** decided on 2<sup>nd</sup> September 2025, dealt with an order passed by the Hon'ble High Court of Judicature at Allahabad in application under Section 482 of Cr.P.C. bearing No. 12607 of 2016 by which the petition filed by the appellant seeking to quash the summoning order passed by the Ld. Additional Chief Judicial Magistrate, Allahabad was dismissed. In the said case titled **Pradeep Kumar Kesarwani vs. The State of Uttar Pradesh & Anr.** the Apex Court laid down the following steps which should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C./ Section 528 of BNSS:

**Step One:** Whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

**Step Two:** Whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

**Step Three:** Whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant ?

**Step Four:** Whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

The Hon'ble Supreme Court further held that if the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal – proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C.

Before laying down the above steps, the Apex Court discussed the duty of the court in cases where an accused seeks quashing of an FIR or proceedings on the ground that such proceedings are manifestly frivolous, or vexatious, or instituted with an ulterior motive for wreaking vengeance which was delineated by the Apex Court in the case of **Mohammad Wajid v. State of U.P.**, reported as **2023 SCC OnLine SC 951**. In the said case, it was observed that

*“34. 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 (CrPC) 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 CrPC 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. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”*

*(Emphasis supplied)”*

Resultantly, the Appeal came to be allowed, the impugned order was set aside and the complaint was quashed.

Judgment can be accessed from the following link:

[https://api.sci.gov.in/supremecourt/2019/36607/36607\\_2019\\_6\\_36\\_63887\\_Order\\_02-Sep-2025.pdf](https://api.sci.gov.in/supremecourt/2019/36607/36607_2019_6_36_63887_Order_02-Sep-2025.pdf)

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