
(2025) 10 MP CK 1397

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Miscellaneous Criminal Case No. 48305 Of 2025

Shivam Kushwah And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 27-10-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 3(5), 115(2), 296(B), 351(3), 528
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(da), 3(1)(dha), 3(2)(Va)
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2025) 10 MP CK 1397

Hon'ble Judges : Milind Ramesh Phadke, J

Bench : Single Bench

Advocate : Abhishek Bansal, Samar Ghuraiya

Final Decision : Dismissed

Judgement

Milind Ramesh Phadke, J

1. The petitioners have filed the present petition under section 528 of BNSS seeking quashing of FIR registered at Police Station Gohad, District Bhind, being Crime No. 235/2025, for offences punishable under Sections 115(2), 296(B), 351(3), 3(5) of the B.N.S.S., and Sections 3(1)(da), 3(1)(dha), and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The petitioners have further prayed for quashing of all consequential proceedings arising out of the said FIR.

2. Prosecution story, in brief, is that the complainant lodged a report at Mahila Thana, Gohad, on 05.08.2025. In the complaint, she stated that on the same day at around 8:30 PM, she had gone to Pandit Hotel in Gohad to have dinner along with Radhe Jatav, a boy from her in-laws' Village Mehgaon, who had brought her there on his motorcycle. After having dinner, both of them were returning to their village Bhayani on the same motorcycle. When they reached

near the water tank of Village Sirsauda, the two accused persons, Gulab Kushwaha and his brother Shivam Kushwaha, came from behind on a motorcycle. Seeing them, the complainant and Radhe stopped their motorcycle. It is alleged that due to previous enmity, both accused started abusing the complainant by using caste-based abusive words. The complainant objected to the abuses. It is further alleged that Gulab, who was sitting on the rear seat of the motorcycle, hit the complainant with a stick on his left knee, causing him a simple injury. Due to the blow, he fell from the motorcycle and suffered a minor abrasion on his left ankle as well. At that time, two persons, Malkhan Jatav of Village Sirsauda and Bhanu Jatav of Gandhinagar, Gohad, arrived at the spot and intervened. While leaving, the accused allegedly threatened the complainant that if he reported the matter to the police, they would kill him. The complainant thereafter reached the police station along with Manoj and lodged the report. He stated that only he sustained injuries, while Radhe did not suffer any injury. Based on the above allegations, Police Station Gohad, District Bhind, registered FIR Crime No. 235/2025 for offences under Sections 115(2), 296(B), 351(3), 3(5) of the B.N.S.S., and Sections 3(1) (da), 3(1)(dha), and 3(2)(Va) of the SC/ST (Prevention of Atrocities) Act.

3. Learned counsel for the petitioner submitted that the impugned FIR has been registered by the police without any preliminary verification of facts. The allegations mentioned in the FIR are completely baseless and have no connection direct or indirect with the petitioners. It has been argued that before registering the case, the police did not conduct any prima facie inquiry, which is required in cases involving serious allegations. The investigating agency did not examine the mobile location of the petitioners, which is a crucial piece of evidence and could have immediately clarified their non-involvement. The police also failed to record any statement of the petitioners regarding the complaint. It has further been argued that the complainant has lodged a false FIR due to personal rivalry and with the intention of obtaining government benefits. The petitioners have no role in the alleged incident, and the FIR is the result of malice and ulterior motive. Learned counsel further submitted that the wife of petitioner no.1 Shivam, namely Neelam Kushwah, came into contact with one Radhe @ Raj Jatav through Instagram on 06.05.2025. Taking advantage of this acquaintance, Radhe induced her to get a two-wheeler financed in his name. Thereafter, on 15.07.2025, Radhe along with his cousin moved the household and beauty-parlour articles of Neelam to Gwalior without the knowledge of her husband. On 20.07.2025, Radhe called Neelam to Gohad and took her to D.D. Nagar where he committed sexual assault.

Later, on 31.07.2025, Radhe and Shivam again assaulted her and made videos, threatening to kill her and make the videos viral. Fearing that Neelam might have disclosed these facts to her husband, Radhe, therefore, Shivam and others conspired to file a false FIR against the petitioners so that criminal proceedings could be initiated against them and the real culprits could escape. It has further been argued that on the date and time mentioned in the FIR, the complainant's vehicle slipped and he received injuries from that accident. Local people informed

the petitioners that a motorcycle accident had occurred, and the petitioners went only to help the injured person. The injuries mentioned in the FIR match those from the accident and have no connection with the petitioners' actions. The FIR has been lodged with malicious intent and not for seeking justice. Continuing such criminal proceedings against innocent petitioners would amount to abuse of the process of law. A bare reading of the FIR does not disclose the essential ingredients of the offences alleged. There is no material, evidence, or circumstance connecting the petitioners with the alleged crime. Thus, it was submitted that the proceedings instituted against the present petitioners deserve to be quashed.

4. Per contra, Counsel for the respondent/State as well as Counsel for the respondent No.2 had opposed the submissions so made by counsel for the petitioners and it was submitted that there are specific allegations against the present petitioners, therefore, they are not entitled for any relief and inherent powers under Section 482 of Cr.P.C. cannot be exercised.

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

6. From perusal of the record it is clear that the allegations in the FIR clearly specify that the petitioners intercepted the complainant and his companion, hurled caste-based abuses, assaulted the complainant with a stick causing injuries, and further extended threats to his life. The FIR also names two independent witnesses who are stated to have reached the spot and intervened. These allegations, on their face, disclose the commission of cognizable offences under the relevant provisions of the B.N.S.S. as well as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The defences raised by the petitioners such as previous disputes, alleged false implication, mobile-location arguments, or the narrative relating to the conduct of the complainant and others are all matters requiring appreciation of evidence. These issues cannot be examined in proceedings for quashing, where the Court is only required to see whether the FIR discloses a prima facie offence. The petitioners' claim that the complainant suffered injuries in a motorcycle accident rather than by their acts is similarly a disputed question of fact that must be investigated by the police and tested before the trial court. The Hon'ble Supreme Court has repeatedly held that the inherent powers of the Court are to be exercised sparingly and in the rarest of rare cases, and that an FIR should not be quashed when specific allegations constituting the ingredients of an offence are made. In the present case, the FIR contains detailed assertions directly attributing criminal acts to the petitioners. Therefore, this Court finds no reason to interfere with the investigation or to conclude that the criminal proceedings are manifestly attended with mala fide or constitute an abuse of process.

7. After considering the submissions made by learned counsel for the parties and after carefully examining the material placed on record, this Court is of the view that no grounds are made out for exercising the inherent jurisdiction for quashing the FIR or the consequential proceedings.

8. Accordingly, as the FIR prima facie discloses the commission of cognizable offences and the petitioners have failed to demonstrate any exceptional circumstance warranting exercise of inherent powers, the petition deserves to be and is hereby dismissed.