

## QUASHING CRIMINAL PROCEEDINGS AFTER CHARGESHEET: JUDICIAL DISCRETION AND SAFEGUARDS

### 1. INTRODUCTION

In the Indian criminal justice system, the filing of a chargesheet signifies the culmination of the investigative process and the commencement of formal criminal proceedings. However, the question of whether criminal proceedings can be quashed after the filing of a chargesheet remains a critical legal issue. This paper examines the judicial discretion and safeguards inherent in the power to quash criminal proceedings post-chargesheet under Section 482 of the Criminal Procedure Code (CrPC). The Supreme Court has consistently affirmed the High Court's authority to quash proceedings when they are deemed manifestly unjust, oppressive, or based on frivolous allegations. Landmark judgments, such as *State of Haryana v. Bhajan Lal* and *Kailashben Mahendrabhai Patel & Ors. v. State of Maharashtra*, underscore the judiciary's role in balancing the prosecutorial interests of the state with the fundamental rights of individuals, particularly in safeguarding against wrongful prosecution. This paper traces the evolution of this legal framework, the purpose and significance of a chargesheet, and the scope of Section 482 in ensuring fairness and justice in criminal proceedings. The ability to quash proceedings serves as an essential mechanism to protect individuals from malicious or unjust legal actions, preventing the misuse of legal provisions and ensuring the timely delivery of justice. The paper concludes by emphasizing the critical role of judicial discretion in maintaining the integrity of the legal system, ensuring that criminal proceedings are pursued in a manner that is both just and equitable.

### 2. HISTORICAL BACKGROUND

As judicial principles have evolved to protect individual rights and ensure justice, the High Court can stop criminal proceedings, even after a chargesheet has been filed. In criminal cases, the idea of judicial review—in which the court can step in to stop misuse of the legal system—has developed over time to preserve a balance between the rights of the individual and the prosecutor. This judicial intervention's roots can be found in Section 482 of the Code of Criminal Procedure (CrPC), which was first implemented in 1973 as part of a thorough revision of India's criminal procedure legislation. The purpose of this clause was to give High Courts the authority to use their inherent jurisdiction to stop abuse of the legal system and guarantee that justice is served in extraordinary circumstances. The legal system has long acknowledged the need to shield people from the abuse of criminal proceedings—which may be started maliciously or frivolously—. In some cases, despite insufficient evidence, criminal proceedings proceeded before the CrPC was passed, putting the accused through unnecessary hardship. Over time, the courts—especially the Supreme Court—began to stress that a High Court's ability to use its discretion to stop criminal proceedings should not be automatically restricted by the mere filing of a chargesheet. ***State of Haryana v. Bhajan Lal (1992)*** was a pioneering case in this area.

### 3. WHAT IS A CHARGESHEET?

The Code of Criminal Procedure (CrPC) and other special statutes that deal with criminal offences, such as the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, utilised the phrase "chargesheet" in India. A chargesheet is essential to criminal cases because it gives the police the opportunity to disclose facts and evidence they have found throughout their investigation, which the parties may not otherwise be able to present in court. Following the conclusion of their investigation, the police are required by Section 173 of the CrPC to file this report, which is known as a chargesheet.

Therefore, a chargesheet is the final report that the investigating officer provides in accordance with Section 173(2) of the CrPC after a crime investigation that is either cognizable or not is complete. A chargesheet is the "final report of the police officer under Section 173(2) of the CrPC," according to the Supreme Court's 1991 ruling in *K. Veeraswami v. Union of India & Others*. The provision also specifies what has to be on the charge sheet and how it needs to be submitted. In other sections of the CrPC and other specific enactments, the chargesheet or final investigation report is also mentioned.

### 3.1 PURPOSE OF CHARGESHEET:

- The chargesheet is a critical document that allows the Magistrate to determine whether there is sufficient ground to take cognizance of the offence and proceed with the trial.
- It provides a framework for the prosecution and sets out the foundation of the allegations against the accused.

A **chargesheet** is filed by the police under **Section 173(2) of the Code of Criminal Procedure (CrPC), 1973** after completing the investigation in a case. The charge sheet is filed when the investigating officer finds sufficient evidence to proceed against the accused for committing an offence.

### 3.2 WHEN IS A CHARGESHEET FILED?

The Criminal Procedure Code (CrPC), 1973, and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, both contain provisions relating to the chargesheet, a critical document filed by the police after completing the investigation of a cognizable or non-cognizable offence. Under the CrPC, once a prima facie case is established, the police must file the chargesheet before the competent Magistrate within specified timeframes: 60 days for offences punishable by imprisonment of less than 10 years, and 90 days for offences punishable by death, life imprisonment, or imprisonment exceeding 10 years. Non-compliance with these timelines entitles the accused to default bail as per Section 167(2) of the CrPC. Additionally, Section 173(8) allows the police to conduct further investigation and submit a supplementary chargesheet if new evidence emerges after the initial chargesheet is filed. The BNSS, 2023, which is set to replace the CrPC, adopts a similar approach. Section 193 of the BNSS mandates the timely filing of the chargesheet and provides for further investigation and submission of a supplementary chargesheet when new evidence is discovered, thus preserving the procedural framework established under the CrPC.

### 3.3 COMPARISION TABLE

Aspect	CrPC, 1973	BNSS,2023
Relevant Sections	Section 173	Section 193
Filing of Chargesheet	The chargesheet is filed under Section 173(2) once the investigation is completed.	Section 193(2): Chargesheet must be filed after completing the investigation.
Timelines for Investigation	No strict timelines for completion of investigation except in <b>Section 167</b> (90 days/60 days for custody).	Section <b>193(3)</b> : Investigation must be completed within <b>90 days</b> , with a possible extension to <b>180 days</b> for offences punishable with death, life imprisonment, or

		imprisonment of 10 years or more.
Filing of Supplementary Chargesheet	Section 173(8) allows for further investigation and submission of a supplementary chargesheet with court's permission.	Section <b>193(4)</b> : Permits further investigation and submission of a <b>supplementary chargesheet</b> .
Filing in Electronic Form	No provision for electronic or digital filing.	Section 193(5): Allows chargesheet to be filed in electronic form, ensuring modernization of process.
Court's Role in Cognizance	Magistrate takes cognizance under <b>Section 190</b> after receiving the chargesheet.	Section <b>204</b> : Magistrate takes cognizance upon receiving the chargesheet and may proceed under the new procedural requirements.
Speedy Justice Emphasis	No explicit provisions for ensuring time-bound investigations and justice delivery	Section <b>193(6)</b> : Explicitly emphasizes completion of investigation and filing within the prescribed timeline, improving efficiency.

#### 4. THE LEGAL FRAMEWORK

The High Court is empowered by Section 482 of the Code of Criminal Procedure (CrPC) to stop criminal proceedings in suitable circumstances, especially when doing so is required to uphold justice or halt the misuse of the legal system. Although this clause does not mandate automatic quashing, it does provide the Court with the authority to step in when necessary. Following the conclusion of an investigation, the police filed a charge sheet, a formal document containing the investigation's findings, corroborating documentation, and witness testimony that corroborates the accusations made against the accused. The matter does not, however, necessarily terminate when a charge sheet is filed. Suppose the court determines that continuing the proceedings would abuse the legal system or that the circumstances do not support a cognizable offense. In that case, it may exercise its authority to quash the proceedings at any time, even after submitting the chargesheet.

#### 5. THE ROLE OF THE COURT IN QUASHING PROCEEDINGS

The power of courts to quash criminal proceedings after a chargesheet has been filed was comprehensively addressed in the Supreme Court's landmark judgment in *State of Haryana v. Bhajan Lal* (1992). The Court set out guidelines under which criminal proceedings could be quashed, including instances where the allegations in the FIR or chargesheet do not establish a prima facie case, the allegations lack corroborative evidence, are frivolous, or made with malicious intent. Additionally, the Court held that proceedings could be quashed if the charge is unlikely to lead to a conviction or if the facts presented do not constitute a cognizable offence. The Court emphasized that the inherent power under Section 482 of the Criminal Procedure Code (CrPC) is not confined to a particular stage of the criminal process, allowing courts to prevent any unjust, oppressive, or vexatious legal actions, even after a chargesheet has been filed. The enactment of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which supersedes the CrPC,

introduces Section 528, which mirrors the provisions of Section 482 of the CrPC. This section empowers the judiciary to quash criminal proceedings that are unjust, vexatious, or an abuse of the judicial process. The shift from the CrPC to BNSS marks a significant development in ensuring that legal proceedings are fair, efficient, and do not result in the harassment of individuals through malicious litigation.

## 6. JUDICIAL PRECEDENTS

- **ACHIN GUPTA VS STATE OF HARYANA<sup>1</sup>**

In *Achin Gupta vs. State of Haryana* (Criminal Appeal No. 2379 of 2024), the Supreme Court quashed criminal proceedings against the appellant under Sections 323, 406, 498A, and 506 IPC. The case involved an FIR filed by the appellant's wife, alleging dowry harassment and cruelty following his divorce petition and a domestic violence complaint. The Court found the FIR vague and delayed, suggesting it was filed with a retaliatory motive. It emphasized the misuse of Section 498A in matrimonial disputes and held that trivial marital issues should not automatically lead to criminal charges. The Court concluded that continuing the proceedings would abuse the legal process and urged the High Court to exercise its inherent powers to quash the case.

- **ANAND KUMAR MOHATTA V STATE (NCT OF DELHI)<sup>2</sup>**

In *Anand Kumar Mohatta v. State (NCT of Delhi)* (2018), the Supreme Court ruled that a High Court can quash an FIR under Section 482 of the Criminal Procedure Code even after a charge sheet has been filed, as long as the proceedings are found to be an abuse of process or a miscarriage of justice. The case involved a dispute between Anand Kumar Mohatta and Ansal Properties regarding a development agreement, with the latter accusing Mohatta of fraud and criminal breach of trust. The Delhi High Court initially dismissed the petition to quash the FIR, but the Supreme Court allowed the appeal, emphasizing that the power of quashing is not limited to the FIR stage but extends to later stages of the criminal process.

- **G. SAGAR SURI V. STATE OF U.P.<sup>3</sup>**

In *G. Sagar Suri v. State of U.P. (2000)*, the Supreme Court of India emphasized the importance of not misusing Section 498A of the Indian Penal Code, which deals with cruelty by a husband or his relatives toward a married woman. The Court cautioned the police to conduct thorough investigations before filing an FIR to ensure the allegations are genuine, as the provision could lead to severe consequences, including arrest. Under this section, it stresses the need for a balanced approach to protect women while preventing frivolous or false accusations.

- **KAHKASHAN KAUSAR V STATE OF BIHAR<sup>4</sup>**

In *Kahkashan Kausar @ Sonam v. State of Bihar*, the Supreme Court quashed criminal proceedings under Section 498A IPC, emphasizing that the allegations made by the complainant were vague and omnibus, failing to specify distinct roles for the accused in the alleged cruelty. The Court highlighted concerns over the misuse of Section 498A in matrimonial disputes, where general accusations often lead

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<sup>1</sup> 2024 SCC OnLine SC 759

<sup>2</sup> (2019) 11 SCC 706

<sup>3</sup> (2000) 2 SCC 636

<sup>4</sup> (2022) 6 SCC 599

to unjust harassment. Citing previous judgments, the Court stressed the need to prevent frivolous cases and protect individuals from unnecessary trials based on broad, unsubstantiated allegations

- **KAILASHBEN MAHENDRABHAI PATEL AND OTHERS V. STATE OF MAHARASTRA AND ANOTHER<sup>5</sup>**

In *Kailashben Mahendrabhai Patel and Others v. State of Maharashtra and Another* (2024 INSC 737), the Supreme Court quashed an FIR filed under Sections 498A, 323, 504, 506, and 34 of the IPC, finding the criminal proceedings to be an abuse of the judicial process. The allegations, linked to a matrimonial and property dispute, lacked specificity and appeared to be a tactic to gain an advantage in the ongoing civil case. The Court emphasized that criminal proceedings should not be used to settle personal or civil grievances, especially when the allegations are vague and not substantiated by concrete evidence.

- **MAMIDI ANIL KUMAR REDDY V STATE OF A.P.<sup>6</sup>**

In *Mamidi Anil Kumar Reddy v. State of Andhra Pradesh* (2024), the Supreme Court quashed the criminal proceedings against the appellants, finding that the allegations were vague and did not meet the necessary legal standards. The Court emphasized that general, omnibus allegations, particularly in matrimonial disputes, could lead to abuse of process. It referred to previous judgments that highlighted the need to scrutinize complaints to prevent frivolous or vexatious litigation, especially when there is evidence of personal vengeance.

- **MOHAMMAD WAJID AND ANOTHER V. STATE OF U.P. AND OTHERS<sup>7</sup>**

In *Mohammad Wajid and Another v. State of U.P. and Others* (Criminal Appeal No. 2340/2023), the Supreme Court quashed the FIR against the petitioners, accused of dacoity and related offenses, due to significant doubts about the allegations. The petitioners argued that the FIR was false, highlighting discrepancies such as the lack of specific dates, medical evidence, and the delay in filing the complaint. The Court considered the legal criteria from *State of Haryana v. Bhajan Lal* and found that the FIR did not substantiate the charge of dacoity or criminal intimidation. Based on these findings, the Court acquitted the petitioners

- **NEELU CHOPRA V. BHARTI<sup>8</sup>**

In *Neelu Chopra & Anr. v. Bharti* (2009), the Supreme Court quashed the criminal proceedings against Neelu Chopra and Krishan Sarup Chopra, the parents-in-law of the complainant Bharti, who had alleged dowry harassment under Section 498A IPC. The Court found the complaint vague and lacking essential details, such as dates, specific jewelry descriptions, and other items—the allegations primarily concerned Bharti's husband, Rajesh, with no substantial evidence against the appellants. The Court ruled that continuing the prosecution against the elderly appellants would abuse the legal process. Thus, it set aside the High Court's order, quashing the complaint under Section 482 CrPC.

- **USHA CHAKRABORTY V. STATE OF W.B.<sup>9</sup>**

<sup>5</sup> 2024 SCC OnLine SC 2621

<sup>6</sup> 2024 SCC OnLine SC 127

<sup>7</sup> 2023 SCC OnLine SC 951

<sup>8</sup> (2009) 10 SCC 184

<sup>9</sup> 2023 SCC OnLine SC 90

In the case of *Neelu Chopra & Anr. v. Bharti* (2009), the Supreme Court quashed the criminal proceedings against Neelu Chopra and Krishan Sarup Chopra, the parents-in-law of the complainant Bharti, who had alleged dowry harassment under Section 498A of the IPC. The Court observed that the complaint was vague, lacking essential details such as dates and specific descriptions of the jewelry and other items. It was noted that the allegations primarily concerned Bharti's husband, Rajesh, and no substantial evidence implicated the appellants. The Court held that continuing the prosecution against the elderly appellants would amount to an abuse of the legal process, and accordingly, it set aside the High Court's order, quashing the complaint under Section 482 of the CrPC.

## 7. WHY QUASHING PROCEEDINGS AFTER CHARGESHEET IS FILED IS IMPORTANT?

- **Prevention of Misuse of Legal Provisions:** The quashing power ensures that individuals are not subjected to criminal proceedings that are baseless or initiated with malicious intent. It serves as a safeguard against frivolous or vexatious litigation.
- **Protection of Fundamental Rights:** An individual's fundamental rights, including life and personal liberty under Article 21 of the Constitution, are often at stake in criminal trials. By exercising their discretion to quash proceedings, the courts protect these rights from being violated by unjust criminal proceedings.
- **Ensuring Justice:** Quashing proceedings can be an essential mechanism to ensure that justice is not delayed, as protracted criminal trials can devastate the accused, including damage to their reputation, personal life, and financial standing. The ability to quash proceedings can help bring swift closure to cases without merit continuation.

## 8. LIMITS ON QUASHING CRIMINAL PROCEEDINGS

The judiciary can stop criminal proceedings even after filing a charge sheet, but it must do so carefully and within certain bounds. Such power is not automatically exercised; instead, it is subject to the court's judicial discretion, which considers the facts of the case, the available evidence, and the possibility of constitutional abuse. When dismissing criminal proceedings, the court does not serve as an appellate body or replace the investigating authorities' decision with its own. It does not, at this time, reexamine the evidence or judge the case's merits. The court's responsibility is to examine whether the criminal proceedings should continue or whether doing so would lead to a misuse of the legal system. Accordingly, the court will only step in if it determines that the accusations are baseless, unfounded, or meant to harass or oppress the accused. There aren't many reasons to stop a criminal case. If the charges in the chargesheet are insufficient to create a prima facie case for the alleged offense, that is a significant consideration in the decision to quash. The court may intervene if it determines that the charges are without merit or that the evidence offered to substantiate the claims is insufficient. Similarly, when the charges outlined in the chargesheet do not constitute an offense or when the case is continued.

## 9. CONCLUSION

In the Indian criminal justice system, the ability of the judge to stop criminal proceedings after a chargesheet is filed is a crucial safeguard. The chargesheet signifies the end of an investigation. Still, the High Court has the authority to stop further proceedings if it determines that doing so would constitute an abuse of the legal system under Section 482 of the CrPC. This authority is crucial to prevent the legal

system's mistreatment of nefarious, pointless, or vexatious litigation. It protects people by ensuring they are not the targets of unjustified legal actions that infringe upon their fundamental rights, especially those guaranteed by Article 21 of the Constitution: the right to life and personal liberty. The courts carefully use this authority, ensuring it doesn't replace the investigating authorities or reexamine the case's merits. Instead, it protects people against unfair legal actions. The judiciary is essential in preventing the delay or denial of justice by stopping proceedings when the accusations are unfounded, or the evidence is insufficient. This protects the rights of the accused as well as the integrity of the legal system.

**(FROM LITIGATION TEAM)**