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Supreme Court of India clarifies limits of writ jurisdiction in quashing First Information Reports and charge sheets

The Supreme Court of India (“**Supreme Court**”) in the case of *Pradnya Pranjal Kulkarni vs. State of Maharashtra and Anr.*¹ delivered a significant ruling clarifying the contours of writ jurisdiction under Article 226 of the Constitution of India, 1950 (“**Constitution**”) vis-à-vis the quashing of First Information Reports (“**FIRs**”) and charge sheets. The judgment draws a clear line between the stage of investigation and the stage at which cognisance of an offence is taken by a competent court. While recognising the High Court’s wide powers under Article 226 of the Constitution to intervene in appropriate cases, the Supreme Court held that once a judicial order of cognisance intervenes, the remedy of quashing cannot be pursued under Article 226 of the Constitution. Instead, the appropriate remedy lies under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) (previously, Section 482 of the Code of Criminal Procedure, 1973), which empowers courts to quash not merely the FIR or the charge sheet, but also the order of cognisance itself.

Brief facts

The case arose from a Writ Petition filed before the Bombay High Court (“**Bombay HC**”) seeking quashing of an FIR bearing CR No. 648 of 2024, registered on September 12, 2024, at M.I.D.C. Police Station, Solapur (“**Writ Petition**”). The FIR alleged offences under Sections 420, 406, and 409 read with Section 34 of the Indian Penal Code, 1860 (“**IPC**”). While the Writ Petition was pending, the investigation was completed, and a charge sheet was filed before the Trial Court on May 14, 2025. A Division Bench of the Bombay HC, vide its order dated July 1, 2025, disposed of the Writ Petition as infructuous, reasoning that once a charge sheet had been filed, a petition under Article 226 of the Constitution could not be entertained for quashing the FIR. In doing so, it relied on the judgment of the Supreme Court in *Neeta Singh and Ors. vs. State of Uttar Pradesh and Ors.* (“**Neeta Singh**”)².

Aggrieved, the petitioner approached the Supreme Court, contending that the Bombay HC had misapplied the ratio of *Neeta Singh* and failed to consider the distinct factual matrix of the present case.

Issue

The central question before the Supreme Court was whether the Bombay HC was correct in holding that the filing of a charge sheet renders a writ petition for quashing an FIR infructuous, or whether the Bombay HC retained the

¹ SLP (Crl.) No. 13424/2025 (decided on September 3, 2025)

² SLP (Crl.) No. 13578/2024 (decided on October 15, 2024)

jurisdiction to entertain such a petition under Article 226 of the Constitution or by moulding relief under Section 528 of the BNSS.

Analysis and findings

The Supreme Court first emphasised the well-established principle, that the writ jurisdiction under Article 226 of the Constitution is of a discretionary and extraordinary nature. It is not intended to supplant statutory remedies, but to provide relief where grave injustice or abuse of process is apparent. However, the Supreme Court clarified that the availability of statutory remedies cannot be ignored in criminal matters, particularly once the process of cognisance by a competent court has been initiated.

In this context, the Supreme Court carefully distinguished the facts of the present case from those in *Neeta Singh*. It observed that the Bombay HC had misread and misapplied the *Neetu Singh* judgment, overlooking the factual dissimilarities. While *Neeta Singh* dealt with a situation where the statutory remedy had already been exhausted and the stage of cognisance had long intervened, the present case involved a writ petition already filed and pending at the stage when the charge sheet was submitted. The Supreme Court held that the Bombay HC had erroneously treated the petition as infructuous, thereby unjustly depriving the petitioner of a remedy.

Most importantly, the Supreme Court underlined the scheme of Section 528 of the BNSS, which specifically empowers courts to quash not only an FIR or charge sheet but also the order taking cognisance, provided that the order is specifically assailed with appropriate pleadings and sufficient factual grounds. The Supreme Court further explained that once a charge sheet has been filed and cognisance is taken, Article 226 of the Constitution cannot be invoked to nullify the judicial act of taking cognisance. At that stage, litigants must resort to Section 528 of the BNSS. The present petition was filed both under Article 226 of the Constitution read with Section 528 of the BNSS. Therefore, the Bombay HC had jurisdiction to mould the relief sought by treating the Writ Petition as one invoking Section 528 of the BNSS, rather than dismissing it summarily.

The Supreme Court further emphasised that the filing of a charge sheet and the taking of cognisance represent a legal watershed. Before cognisance, writ jurisdiction remains available to quash FIRs or charge sheets in appropriate cases. After cognisance, the statutory route under Section 528 of the BNSS must be pursued.

Conclusion

This ruling serves as a crucial clarification on the interplay between constitutional and statutory remedies in criminal procedure. It strikes a careful balance between safeguarding individual liberty against vexatious prosecutions and ensuring that the statutory scheme under the BNSS is not circumvented. Different High Courts follow their own set of procedural requirements when it comes to petitions under Article 226 of the Constitution or Section 528 of the BNSS, often leading to uneven experiences for litigants. This judgment should also be an occasion to recognise the need for uniformity and reform across jurisdictions.

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