

September 2025

Supreme Court of India lays down a 4 (four) pronged test to be followed by High Courts for determining the authenticity of a plea for quashing under Section 482 of the Criminal Procedure Code, 1973

A Division Bench of the Hon'ble Supreme Court of India ("**Supreme Court**"), in the case of *Pradeep Kumar Kesarwani vs. The State of Uttar Pradesh and Anr.*¹, allowed an appeal arising out of an order of the Allahabad High Court ("**Allahabad HC**"). The Allahabad HC had dismissed the appellant's petition seeking quashing of the summoning order dated August 25, 2015. The Supreme Court while quashing the impugned order, discussed the manifest duty of a High Court to carefully examine cases where an accused seeks quashing of a First Information Report ("**FIR**") on the ground of vexatious litigation. The Supreme Court while rebuking the apparent judicial error, laid down a 4 (four) pronged test which must be followed by a High Court. It must determine the authenticity of a plea for quashing an order, while exercising its inherent powers under Section 482 of the Criminal Procedure Code, 1973 ("**CrPC**").

Brief facts

On August 11, 2014, respondent no. 2 had lodged a private complaint before the Court of Additional Chief Judicial Magistrate, Allahabad ("**Ld. Magistrate**"), for offences punishable under Sections 323, 504, 376, 452, 377 and 120B of the Indian Penal Code, 1860 ("**IPC**") and Section 3(1)(10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 ("**Atrocities Act**"). However, at the time of filing the complaint, the same was labelled as an application under Section 156 (3) of the CrPC.

Having said that, the Ld. Magistrate, instead of ordering police investigation under Section 156(3) of the CrPC, as prayed for by the complainant, took cognisance of the complaint and postponed the issuance of process for a magisterial inquiry under Section 202 of the CrPC. On completion of the magistral inquiry, the Ld. Magistrate issued process for the offence punishable under Section 376 of the IPC.

The appellant in the above case, being aggrieved by the summoning order passed by the Ld. Magistrate, challenged the same before the Allahabad HC under Section 482 of the CrPC, which came to be rejected, leading the appellant to file an appeal before the Supreme Court.

Findings and analysis

The Supreme Court, while acknowledging the error committed by the Ld. Magistrate, observed that the Allahabad HC too erred in rejecting the petition. It further held that, given the multiplicity of offences alleged, the complainant's

¹ 2025 SCC OnLine SC 1947 (decided on September 2, 2025)

assertions did not inspire confidence. Moreover, the Supreme Court also observed that there was an inordinate delay of over 4 (four) years in filing the complaint. Even the parents of the appellant were arrayed as accused, which it found to be wholly unwarranted. Since the appellant had submitted that the complaint filed by respondent no. 2 was vexatious, the Supreme Court reiterated the principles laid down in *Mohammad Wajid vs. State of U.P.*². The Supreme Court emphasised Allahabad HC's duty to consider the surrounding circumstances when dealing with a petition for quashing an FIR or complaint on the ground of vexatious litigation. Such proceedings can tarnish a person's reputation.

Accordingly, the Supreme Court laid down a 4 (four) step test to be adopted by a High Court while determining the veracity of a prayer for quashing an FIR or a complaint. In such cases, the accused often produce documents and material in support of their plea for quashing. The 4 (four) step approach laid down by the Supreme Court is as under:

1. whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the material is of sterling and impeccable quality?
2. whether the material relied upon by the accused is of such nature as would reject and overrule the factual assertions in the complaint thereby justifying dismissal of the accusations as false?
3. 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?
4. whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

The Supreme Court emphasised that extra care and circumspection is warranted in cases that are manifestly vexatious or have been filed with an ulterior motive for wreaking vengeance upon an accused. It was also observed that the High Court when dealing with such matters has to read in between the lines and ought to thoroughly check the veracity of the allegations raised by an accused.

Conclusion

The Supreme Court in this decision has crystallised a 4 (four) step test to guide the High Courts while considering quashing petitions under Section 482 of the CrPC. The Supreme Court has established a principled framework to determine if continuing proceedings would constitute an abuse of process, by requiring the material relied upon by the accused to be of impeccable quality and incapable of being justifiably refuted.

Moreover, such a thorough test would also ensure that complaints containing substantiated and legitimate allegations are not quashed and that only frivolous prosecutions are prevented. By laying down a 4 (four) pronged test, the Supreme Court has preserved the balance between protecting the rights of the accused and upholding the interests of justice.

² 2023 SCC OnLine SC 951

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