BLOGS

Quashing of an FIR under CrPC

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Introduction

The legal system provides channels for individuals to seek remedies against false claims and unjustified complaints in the quest of justice. One such route is the High Court's authority to quash a FIR (First Information Report, as otherwise known), a petition to invalidate the FIR, and any related procedures against the accused.

The High Court has inherent powers to act as required to ensure justice is served under Section 482 of the Code of Criminal Procedure (CrPC). When the court judges that the accused has been wrongfully implicated and that the FIR lacks merit or is frivolous, this power is utilized.

The provision is an important precaution against the abuse of judicial processes and the harassing of innocent people. By quashing an FIR, the High Court upholds the principles of fairness, protecting the rights of the falsely accused and preserving the integrity of the legal system.

Grounds for Quashing of FIR

The Supreme Court of India, in the cases of ***Sundar Babu v State of Tamil Nadu*** and ***State of Haryana v Bhajan Lal***, has provided significant guidelines on the grounds and conditions for quashing an FIR under **Section 482 of the CrPC**. These guidelines serve as a framework for the High Court when deciding whether to quash an FIR. They are as follows:

1. Allegations that do not constitute an offence or make out a case against the accused: The court may quash the FIR if, even when accepting the allegations at face value, they do not prima facie establish an offence or provide sufficient grounds to proceed against the accused.
2. Absurd and inherently improbable allegations: If the allegations in the FIR or complaint are so unreasonable and inherently improbable that no prudent person could reasonably conclude

that there are sufficient grounds to proceed against the accused, the court may quash the FIR.

3. Non-disclosure of cognizable offence: If the allegations in the FIR, along with accompanying materials, do not disclose a cognizable offence, which justifies an investigation by the police under Section 156(1) of the CrPC, except under the order of a Magistrate as per Section 155(2), the court may quash the FIR.
4. Non-cognizable offence without Magistrate's order: If the allegations in the FIR only constitute a non-cognizable offence, no investigation can be conducted by the police officer without an order from the Magistrate as prescribed under Section 155(2) of the CrPC. In such cases, the court may quash the FIR.
5. Uncontroverted allegations and lack of evidence: If the allegations made in the FIR or complaint, along with the supporting evidence, do not establish the commission of any offence or make out a case against the accused, the court may quash the FIR.
6. Legal bar or provision for redressal: If there is an express legal provision or an Act that prohibits the institution or continuation of criminal proceedings, or if there is a specific provision in the code or the concerned Act that provides an effective remedy for the aggrieved party, the court may quash the FIR.
7. Mala fide and malicious proceedings: The court may quash the FIR if it finds that the criminal proceedings are manifestly mala fide or have been maliciously instituted with an ulterior motive to seek revenge against the accused or to harm them due to a personal grudge.

It is important to note that the exercise of powers by the High Court under Section 482 of the CrPC for quashing an FIR is **subjective and depends on the judge's assessment** of the case.

The Court must strike a balance between the powers conferred by Section 482 and the specific facts of the case. While no specific parameters are laid down for the exercise of these powers, the court must ensure that justice is served.

Although the Code of Criminal Procedure includes **Section 320**, which mandates the compounding of criminal proceedings before subordinate courts during the trial or appeal, the provisions of Section 482 of the CrPC override this when it comes to the wide powers vested with the High Court for quashing FIRs.

Additional Grounds for Quashing FIR

In addition to the grounds mentioned earlier, there are specific situations where an FIR can be quashed by the High Court even after the filing of a charge sheet or at various stages of the legal proceedings. They are as follows:

1. Quashing of FIR after filing of Charge Sheet: The High Court, under Section 482 of the CrPC, has the power to quash an FIR even after the prosecution has filed a charge sheet. In such cases, the accused can approach the court and present arguments to demonstrate that there is no substantial material evidence against them.They can also challenge the charge sheet by pointing out inherent improbabilities in the facts and material collected during the investigation. The wide powers conferred upon the High Court under Section 482 enable them to order the quashing of the FIR based on these considerations.
2. Quashing of FIR on the basis of Compromise: The High Court can quash an FIR based on a compromise reached between the complainant and the accused. Both parties can file a joint petition under Section 482 of the CrPC, presenting the terms and conditions of the settlement. The court will carefully examine the facts, circumstances, and merits of the case before deciding whether to quash the FIR based on the compromise. However, if the court finds the compromise unsatisfactory or lacking genuineness, it may refuse to quash the FIR. In such instances, the parties can approach the trial court if the offence is compoundable and the High Court has declined to quash the FIR.
3. Quashing of FIR in Matrimonial Cases: In certain matrimonial disputes, false complaints of cruelty by husbands and their relatives are filed under Sections 498A and 406 of the Indian Penal Code. However, in many instances, the parties involved in the dispute later reach a mutual settlement. They may draft a Mutual Compromise Deed, outlining the terms and conditions of the settlement.In order to quash the FIR, both parties must appear before the High Court, record their statements, and establish their identities. This process can take place either during ongoing court proceedings or independently after the conclusion of divorce proceedings by mutual consent. Generally, the courts accept the mutual settlement and order the quashing of the FIR based on the compromise.
4. Quashing of FIR in Financial Disputes: In cases involving economic offences, quashing the FIR is often sought when the parties involved reach a settlement. The settlement may address the financial dispute and other related matters.Parties commonly execute a Compromise Deed to formalize the terms of the settlement. If serious offences, other than economic offences, are involved, the High Court, empowered by Section 482 of the CrPC, can order the quashing of

the FIR based on the settlement, taking into account the facts and circumstances of the case.

Other Legal Remedies

1. Filing an application under Section 156(3) of the CrPC: This provision allows a person to approach the court and request the magistrate to direct the police to investigate the matter. If the person believes that false charges have been leveled against them, they can file an application under Section 156(3) to seek an investigation into the matter and establish their innocence.
2. Filing a private complaint under Section 200 of the CrPC: If a person has been falsely charged with an offence with the intention to cause harm or injury, or if a false criminal proceeding has been initiated against them, they can file a private complaint before the magistrate under Section 200 of the CrPC. The complaint should clearly state the false charges and the malicious intent behind them.
3. Filing a complaint under Section 211 of the IPC: Section 211 of the Indian Penal Code (IPC) deals with making false allegations and lodging fabricated FIRs. If the complainant has knowingly made false allegations and lodged a fabricated FIR against an innocent person, they can be punished with imprisonment and/or fine under this section.
4. Seeking compensation under Section 250 of the CrPC: Section 250 of the CrPC provides for compensation in cases where an accusation has been made without reasonable cause.If the magistrate is satisfied that there was no reasonable ground for making the accusation, they can order the complainant or informant to pay compensation to the accused. Failure to pay the compensation can lead to simple imprisonment for a specified period.

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