IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

ON THE 4th OF NOVEMBER, 2026

MISC. CRIMINAL CASE No. 39754 of 2026

CNR No.: MPHC030219892026

KUNAL SINGH YADAV

Versus

THE STATE OF MADHYA PRADESH AND ANR

Appearance:

Shri Rajendra Singh Yadav - Advocate for the petitioner.

Shri Satendra Singh Sikarwar - PP for the State.

None for respondent No.2, though served.

ORDER

This petition under Section 528 of the BNSS has been preferred by the petitioner seeking quashment of FIR registered at Police Station- Kampoo, District Gwalior, in connection with Crime No.110/2026 for offences punishable under Sections 140(3), 87, 126(2) and 61(2) of theBNS and Sections 25/27 of the Arms Act, 1959, as well as all consequential criminal proceedings arising therefrom, insofar as they relate to the present petitioner.

2. The prosecution case, in brief, is that on 06.05.2026, the prosecutrix, aged about 19 years, had gone to Mahatma Gandhi College of Law, Gwalior. According to the report lodged by her mother, at around 2:30 p.m., she received information from the brother of one of the college seniors of the prosecutrix that the co-accused, namely, Jeetu Tomar, had allegedly abducted

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the prosecutrix from the college in a white-coloured Baleno car by threatening and forcibly taking her along with him. It was further alleged that another person was accompanying the main accused, whose identity was initially not known to the complainant. On the basis of the aforesaid report, Crime No.110/2026 was registered initially for offences punishable under Sections 140(3) and 87 of the BNS. During investigation, the prosecutrix was recovered on 07.05.2026. Her statements, as well as those of the other witnesses, were recorded. Subsequently, offences under Sections 126(2) and 61(2) of the BNS and Sections 25/27 of the Arms Act were also added. The main accused Jeetu Tomar was arrested and a country-made pistol was allegedly recovered from his possession. The vehicle allegedly used in the commission of the offence was also seized.

3. During investigation, the names of other persons, including the present petitioner, surfaced. Accordingly, the petitioner was arrayed as an accused along with the other co-accused persons. Upon completion of investigation, charge-sheet No.104/2026 dated 22.07.2026 was filed against the accused persons, including the present petitioner.

4. Learned counsel for the petitioner submits that the petitioner is an 18-year-old law student and has been unnecessarily implicated in the present crime. It is contended that the FIR, as lodged by the mother of the prosecutrix, specifically attributes the alleged act of abduction to the main accused Jeetu Tomar and refers to another unidentified person accompanying him. The FIR does not contain any allegation whatsoever against the present petitioner. Learned counsel further submits that the prosecution has

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attempted to attribute a role to the petitioner on the allegation that he was keeping information about the movements of the prosecutrix and was supplying such information to the main accused. However, the aforesaid allegation is not supported by any independent or reliable material collected during investigation. It is submitted that the prosecutrix and the main accused were acquainted with each other and had remained in a relationship for a considerable period. Their communication was through mobile phones, whereas the present petitioner was not found to be involved in their communication. Even the call detail records of the relevant period, including the period of approximately three months preceding the incident, do not establish any communication between the petitioner and the main accused. It is further contended that the statements of the prosecutrix recorded during investigation and her statement recorded under Section 183 of the BNSS do not disclose any specific act of participation on the part of the petitioner in the alleged abduction or in the subsequent events. According to learned counsel, even if the reference to the petitioner in the statement under Section 183 of the BNSS is taken into consideration, the same does not disclose any particular instance of communication, assistance, meeting of minds or active participation by him in the alleged criminal conspiracy. Learned counsel has also drawn the attention of this Court to the statements of the eyewitnesses, namely, Vaibhav Rajbhan and Dolly Sansoiya, as well as the statement of the mother of the prosecutrix. It is submitted that none of these witnesses attributes any overt act to the present petitioner. The entire incident of alleged forcible abduction has been attributed to the main accused Jeetu

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Tomar and the person who was driving the vehicle. The petitioner is neither alleged to have been present at the place of occurrence nor is he alleged to have accompanied the prosecutrix during the subsequent journey. It is also submitted that the memorandum of the main accused Jeetu Tomar does not disclose any specific role played by the petitioner in the alleged incident. Even the charge-sheet, when examined as a whole, does not disclose any independent material demonstrating that the petitioner had conspired with the main accused or had intentionally facilitated the commission of the alleged offence. On the aforesaid grounds, learned counsel submits that continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law and, therefore, the FIR and all consequential proceedings, insofar as they relate to the petitioner, deserve to be quashed.

5. Per contra, learned PP for the respondent/State opposed the prayer and submitted that the prosecutrix, in her statements recorded during investigation, has referred to the involvement of the petitioner along with other co-accused persons. In particular, attention is invited to her statement under Section 183 of the BNSS, wherein she has referred to the petitioner and another student as persons who were keeping information regarding her movements. It is further submitted on behalf of the State that the investigation has been conducted and the charge-sheet has already been filed against the petitioner and other co-accused persons. According to the prosecution, the allegations regarding the supply of information concerning the movements and location of the prosecutrix to the main accused form part of the alleged conspiracy and the respective roles of the accused persons are

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required to be examined during trial. It is, therefore, prayed that the petition be dismissed.

6. None for respondent No.2/prosecutrix, though served.

7. Heard learned counsel for the parties and perused the record along with case diary.

8. The inherent jurisdiction of this Court under Section 528 of the BNSS is intended to prevent abuse of the process of any Court and to secure the ends of justice. Though the power of quashing criminal proceedings is required to be exercised sparingly and with circumspection, it is equally well settled that where the allegations contained in the FIR or the material collected during investigation, even if taken at their face value, do not disclose the commission of an offence by a particular accused, the continuation of criminal proceedings against such accused would not serve any legitimate purpose.

9. In the present case, the controversy is not required to be examined with reference to the allegations against the main accused Jeetu Tomar or the alleged incident of abduction as a whole. The limited question which arises for consideration is whether the material collected during investigation discloses sufficient factual foundation to attribute any criminal involvement to the present petitioner, Kunal Singh Yadav.

10. At the outset, this Court finds that the FIR lodged by the mother of the prosecutrix does not contain the name of the present petitioner. The allegation in the FIR is specifically directed against Jeetu Tomar, who was allegedly insisting upon marrying the prosecutrix and had allegedly taken her

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away forcibly in a white-coloured Baleno car. The FIR refers to another person accompanying the main accused, whose identity was not known to the complainant at that stage. Thus, the FIR, by itself, does not disclose any specific act or role attributable to the present petitioner. It is true that the absence of the name of an accused in the FIR, by itself, cannot be a ground for quashing the criminal proceedings, particularly where subsequent investigation may disclose his involvement. However, in the present case, the subsequent material collected during investigation also requires careful examination to ascertain whether the petitioner has been connected with the alleged offence through any specific and legally sustainable material.

11. The most significant aspect of the matter is the statement of the prosecutrix herself. In her statement recorded during investigation, she has narrated the entire incident commencing from her arrival at the college, the alleged abduction from outside the college, the journey from Gwalior to Uttar Pradesh and the subsequent events until her recovery. She has attributed the act of forcibly taking her into the vehicle to Jeetu Tomar and has identified the person accompanying him as the person who was driving the vehicle. She has also narrated the alleged role of Akash Solanki and Mayank Rawat with regard to the information concerning her location and movements.

12. However, upon a careful reading of the aforesaid statement, this Court finds that no particular act of the present petitioner has been described by the prosecutrix in relation to the actual occurrence. There is no allegation that the petitioner was present at the college at the time of the alleged

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abduction, that he stopped the prosecutrix, that he facilitated her forcible removal, that he accompanied the main accused, or that he participated in any manner in the subsequent journey.

13. The statement of the prosecutrix under Section 183 of the BNSS has also been perused. In the said statement, she has referred to two students, namely, Mayank and Kunal, as persons who were keeping information about her. She has further stated that Akash was communicating with Jeetu Tomar and informing him about her movements, whereas Mayank was supplying information regarding her updates.

14. The aforesaid statement, when read as a whole, does not disclose any particular instance of communication between the present petitioner and the main accused, nor does it specify the date, time, mode or nature of any communication allegedly made by the petitioner. No particular message, telephone call or other act of assistance attributable to the petitioner has been identified in the said statement. The statement also does not attribute to the petitioner any participation in the actual abduction or in the subsequent confinement or movement of the prosecutrix.

15. This Court is conscious of the fact that an allegation of conspiracy or facilitation need not invariably be established through direct evidence at the stage of investigation. However, the mere reference to a person's name, without disclosure of any particular conduct or material indicating his participation in the alleged design, cannot automatically be treated as sufficient to subject him to a criminal trial for serious offences. The distinction between a mere acquaintance with the other accused persons and

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intentional participation in a criminal conspiracy is required to be kept in view. Criminal liability cannot be fastened merely because the petitioner was a fellow student or acquaintance of the prosecutrix and the other co-accused persons. There must be some material, at least prima facie, indicating that the petitioner had knowingly participated in, facilitated or shared the alleged criminal design.

16. Another important circumstance which weighs with this Court is the material concerning the call detail records. As per the material placed before this Court, the call detail records of the main accused Jeetu Tomar for the relevant period, including approximately three months preceding the incident, do not establish any communication between him and the present petitioner.

17. It is pertinent to note that the prosecution itself has relied upon the call detail records of the main accused to demonstrate communication between Jeetu Tomar and certain other co-accused persons. However, no corresponding material has been brought to the notice of this Court demonstrating any such communication between the main accused and the present petitioner. The prosecution has also not been able to point out any specific call, message or other electronic communication connecting the petitioner with the alleged preparation or execution of the offence.

18. The absence of call detail records, by itself, may not conclusively rule out the possibility of a conspiracy, as such an arrangement can be established through other circumstances and material. Nevertheless, when the allegation against the petitioner is substantially founded upon the

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assertion that he was supplying information regarding the movements of the prosecutrix to the main accused, the absence of any corresponding communication or other independent corroborative material assumes considerable significance. The material available on record, therefore, does not provide any independent corroboration to the allegation that the petitioner was actively keeping surveillance over the prosecutrix or was supplying information to the main accused for the purpose of facilitating the alleged abduction. The allegation, in the absence of any particular instance or supporting material, remains general and unsubstantiated insofar as the present petitioner is concerned.

19. This Court has also examined the statements of the eyewitnesses, namely, Vaibhav Rajbhan and Dolly Sansoiya and other. All the said witnesses have narrated the incident of the alleged forcible abduction from outside the college. Their statements attribute the act of stopping the scooter of the prosecutrix, pulling her towards the vehicle and forcibly taking her inside the vehicle to Jeetu Tomar. They have also referred to another person who was driving the vehicle. Neither of the aforesaid eyewitnesses has attributed any specific overt act to the present petitioner. There is no allegation in their statements that the petitioner was present at the place of occurrence, that he assisted the main accused in stopping the prosecutrix or that he participated in the act of forcibly taking her away.

20. Similarly, the statement of the mother of the prosecutrix, who is also the complainant in the present case, does not disclose any specific role of the petitioner. Her statement is primarily based upon the information

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received by her regarding the alleged abduction and the previous conduct of the main accused Jeetu Tomar. She has also referred to the persons who allegedly witnessed the incident. However, no specific act of participation has been attributed to the present petitioner. Thus, the statements of the eyewitnesses and the mother of the prosecutrix, when considered collectively, do not provide any material connecting the petitioner with the actual incident or any specific act of assistance in the commission thereof.

21. The fact that the charge-sheet has been filed does not, by itself, foreclose the jurisdiction of this Court under Section 528 of the BNSS. The power to quash criminal proceedings may be exercised even after submission of the final report, where the material collected during investigation, taken at its face value, does not disclose the commission of an offence by the accused concerned.

22. In the present case, the prosecution has collected material relating to the alleged abduction, recovery of the prosecutrix, seizure of the vehicle, recovery of the firearm from the main accused and the communications allegedly exchanged between certain co-accused persons. However, insofar as the present petitioner is concerned, the material does not disclose any specific overt act demonstrating his participation in the alleged offence. There is no material to show that he was present at the place of occurrence, that he accompanied the main accused, that he participated in the forcible abduction, that he was involved in the subsequent journey or that he had any role in the alleged use or possession of the firearm.

23. Even the memorandum of the main accused Jeetu Tomar, as

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reproduced in the case diary, does not disclose any specific act performed by the present petitioner in the alleged commission of the offence. The prosecution has not been able to demonstrate any independent material which could connect the petitioner with the alleged plan or its execution. The prosecution cannot be permitted to proceed against an accused merely on the basis of an omnibus allegation, particularly when the entire material collected during investigation is conspicuously silent with regard to his specific participation in the alleged criminal acts. The filing of a charge-sheet is not a substitute for the existence of material disclosing the ingredients of the offences alleged against each individual accused. This Court is not undertaking an assessment of the truthfulness of the prosecutrix or the credibility of the prosecution witnesses. Nor is this Court expressing any opinion regarding the allegations against the main accused or the other co-accused persons. The consideration is confined strictly to the material available against the present petitioner and the question as to whether such material provides a sufficient basis for continuation of criminal proceedings against him.

24. The principles governing the exercise of inherent jurisdiction for quashing criminal proceedings have been consistently reiterated by the Hon'ble Supreme Court. In ***State of Haryana and Others v. Bhajan Lal and Others*, 1992 Supp (1) SCC 335**, the Hon'ble Supreme Court illustrated the categories of cases in which the High Court may exercise its inherent jurisdiction to prevent abuse of the process of law. In particular, categories (1) and (3) indicate that where the allegations made in the FIR, even if

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accepted in their entirety, do not prima facie constitute an offence against the accused, or where the uncontroverted allegations and the evidence collected in support thereof do not disclose the commission of any offence by such accused, interference by the High Court would be justified.

25. The aforesaid principles have been applied by the Hon'ble Supreme Court in ***Ramesh Chandra Gupta v. State of Uttar Pradesh***, 2022 INSC 1233, decided on 28.11.2022. In the said case, the Hon'ble Supreme Court held that where the complaint and the material collected during investigation did not disclose any act or participation of the appellants in the commission of the alleged offences, continuation of criminal proceedings against them would amount to an abuse of the process of law. The Supreme Court specifically held that the High Court ought to have examined whether any active or passive role had been attributed to the accused persons in the alleged commission of the crime and ultimately quashed the FIR and consequential proceedings qua those appellants.

26. The aforesaid decision assumes considerable significance in the facts of the present case. Here also, although the petitioner has been arrayed as an accused along with the principal accused and other co-accused persons, the material collected during investigation does not disclose any specific act of participation on his part. Neither the FIR nor the statements of the eyewitnesses, the mother of the prosecutrix or the detailed narration of the prosecutrix disclose any particular overt act attributable to the petitioner in the alleged abduction. The mere fact that the petitioner's name has surfaced during investigation, without any supporting material establishing his

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participation, cannot by itself constitute a sufficient ground for continuation of criminal proceedings against him.

27. Similarly, in ***Smt. Rekha Jain and Another v. State of Uttar Pradesh and Others***, **Criminal Appeal No.136 of 2022, decided on 03.02.2022**, the Hon'ble Supreme Court examined a situation where the principal allegations were directed against other accused persons and no prima facie material was available to establish the involvement of the appellants. The Hon'ble Supreme Court observed that continuation of criminal proceedings against persons against whom no prima facie case was disclosed would amount to abuse of the process of law and accordingly quashed the proceedings insofar as those appellants were concerned. The said decision reinforces the principle that the criminal liability of each accused must be examined with reference to the allegations and material specifically attributable to that accused, and mere implication along with other accused persons cannot be treated as sufficient.

28. More recently, in ***Redla Jyothsna and Another v. Sowmya Lingam and Another***, **Criminal Appeal No.1694 of 2025, decided on 01.04.2025,** the Hon'ble Supreme Court quashed criminal proceedings where the FIR contained vague allegations without reference to particular dates or specific acts of the accused persons and the charge-sheet merely reproduced the allegations without referring to any particular material or evidence collected during investigation establishing their complicity. The Hon'ble Supreme Court held that where the charge-sheet does not disclose even prima facie material connecting the accused with the alleged crime, continuation of

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proceedings would amount to abuse of the process of law.

29. The aforesaid judgment is particularly relevant to the present controversy. In the present case also, the prosecution has not been able to demonstrate any specific act, communication or other independent material establishing the participation of the petitioner in the alleged offence. The charge-sheet, when examined qua the petitioner, does not disclose any particular instance of his having communicated the movements of the prosecutrix to the main accused or having otherwise facilitated the alleged abduction. Thus, the mere reference to the petitioner's name, without a corresponding factual foundation demonstrating his complicity, cannot be treated as sufficient to sustain the prosecution.

30. So far as the allegation of criminal conspiracy is concerned, the law requires the existence of an agreement between two or more persons to commit an illegal act or to achieve a lawful object by illegal means. In ***Ram Prakash Chadha v. State of Uttar Pradesh***, 2024 INSC 522; (2024) 10 SCC 651, the Hon'ble Supreme Court, while examining the ingredients of criminal conspiracy, reiterated that the essential requirement is an agreement between two or more persons to commit an illegal act or an act which is not illegal by illegal means. The Court further examined whether the material disclosed any basis to attribute such conspiracy to the accused and emphasised that mere use of the expression 'criminal conspiracy' in the final report, without material suggesting an agreement or participation of the accused in the alleged design, cannot furnish a sufficient basis for proceeding against him.

31. In the present case, the allegation that the petitioner was keeping

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information regarding the movements of the prosecutrix and was supplying the same to the main accused has not been supported by any particular instance of communication or other material demonstrating an agreement or meeting of minds between the petitioner and the main accused. The call detail records placed before this Court also do not disclose any communication between them during the relevant period. Though the absence of telephonic communication alone cannot conclusively rule out a conspiracy, the same assumes significance when considered along with the absence of any specific allegation or independent material showing the petitioner's participation in the alleged criminal design.

32. This Court is conscious of the settled principle that while exercising inherent jurisdiction, it cannot conduct a mini-trial or undertake a meticulous appreciation of the evidence. However, examining whether the allegations and the material collected during investigation disclose the basic ingredients of the offences alleged against an individual accused is entirely different from conducting a trial. In the present case, the interference sought is not founded upon an assessment of the comparative credibility of the witnesses or the probability of their eventual testimony, but upon the fundamental absence of any specific material connecting the petitioner with the alleged offences.

33. The principles governing the exercise of inherent jurisdiction for quashing criminal proceedings have been explained by the Hon'ble Supreme Court in ***State of Haryana and Others v. Bhajan Lal and Others*** **(supra)**. The Hon'ble Supreme Court has indicated that where the allegations made in the

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FIR or the material collected during investigation do not disclose the commission of any offence against the accused, or where the continuation of proceedings would amount to an abuse of the process of law, the inherent jurisdiction of the High Court may be exercised.

34. Similarly, in ***R.P. Kapur v. State of Punjab*** , AIR 1960 SC 866, the Hon'ble Supreme Court recognised the circumstances in which criminal proceedings may be quashed where the allegations and the material available do not furnish a legal basis for proceeding against the accused.

35. Applying the aforesaid principles to the facts of the present case, this Court finds that the prosecution material, even if accepted in its entirety, does not disclose any specific and substantiated act on the part of the petitioner which would establish his participation in the alleged offences. The mere reference to his name in the statement under Section 183 of the BNSS, without any particularized allegation or supporting material demonstrating his involvement in the alleged conspiracy, cannot by itself sustain the criminal prosecution against him. The inherent power of this Court is not being exercised on the ground that the prosecution evidence is insufficient to secure a conviction after trial. Rather, the interference is warranted because the very foundation for prosecuting the present petitioner is lacking in the material collected during investigation. Requiring the petitioner to undergo a criminal trial in the absence of any specific material connecting him with the alleged offences would result in an unjustified continuation of criminal proceedings.

36. In view of the foregoing discussion, this Court is of the considered

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opinion that the allegations against the present petitioner are general in nature and are not supported by any specific or independent material demonstrating his participation in the alleged criminal acts. The FIR does not name the petitioner. The statements of the eyewitnesses and the mother of the prosecutrix do not attribute any overt act to him. The prosecutrix, in her detailed narration of the incident and the subsequent events, has not attributed to the petitioner any specific role in the alleged abduction, the subsequent journey or the events which took place thereafter. Even in her statement under Section 183 of the BNSS, though the petitioner has been referred to in connection with the alleged keeping of information about her movements, no particular instance of communication, assistance or participation has been disclosed against him.

37. Further, the call detail records placed before this Court do not establish any communication between the petitioner and the main accused during the relevant period, and no other independent material has been demonstrated to substantiate the allegation that the petitioner was supplying information to the main accused or was acting in furtherance of any alleged criminal conspiracy.

38. This Court is, therefore, of the considered view that the prosecution has failed to demonstrate any legally sustainable factual foundation for proceeding against the present petitioner. The continuation of criminal proceedings against him, in the peculiar facts and circumstances of the present case, would amount to an abuse of the process of law and would not advance the cause of justice.

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39. Accordingly, the petition is **allowed**. The FIR registered at Police Station Kampoo, District Gwalior, in connection with Crime No.110/2026, for offences punishable under Sections 140(3), 87, 126(2) and 61(2) of the BNS and Sections 25/27 of the Arms Act, and all consequential criminal proceedings arising therefrom, including the charge-sheet dated 22.07.2026 and the proceedings pending before the competent Court, are hereby quashed **qua the present petitioner, Kunal Singh Yadav only**.

40. It is made clear that this order shall have no bearing upon the prosecution of the main accused or the other co-accused persons. The competent Court shall proceed with the trial against the remaining accused persons independently, in accordance with law and without being influenced by any observation made herein.

41. The petition stands ***allowed and disposed of in the aforesaid terms.***

(RAJESH KUMAR GUPTA)
JUDGE

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