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MCRC-58985-2021

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 9th OF MARCH, 2026MISC. CRIMINAL CASE No. 58985 of 2021*SISTER BHAGYA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Abhishek Dilraj - Advocate for the petitioner.

Ms. Papiya Ghosh - Panel Lawyer for the respondent/State.
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ORDER

1. By the instant petition filed under Section 482 of Cr.P.C., 1973, petitioner is seeking quashment of F.I.R. No.36/2021, registered at Police Station Kahjuraao, District Chhatarpur under Section 3 and 5 of the Madhya Pradesh Freedom of Religion Act, 2021 (hereinafter referred to as "the Act, 2021).

2. With the consent of parties, arguments heard for the purpose of final disposal.

3. Short facts of the case are that, upon the report lodged by respondent No.2 - Smt. Ruby Singh, Police Khajuraao, District Chhatarpur registered an offence vide Crime No.36/2021 against the present petitioner under Section 3 and 5 of the Madhya Pradesh Freedom of Religion Act, 2021. It is alleged against the present petitioner that she pressurized the complainant to change her religion from Hindu to Christian as the



complainant was working as a teacher at Sacred Heart Convent High School, Khajurao and the petitioner was Principal of the School.

4. Learned counsel for the petitioner submits that it is not in dispute that earlier complainant Smt. Ruby Singh was working in Sacred Heart Convent High School, Khajurao since 15.06.2016 for a salary of Rs.5000/- per month. However, her performance was not up to the mark, and therefore, she was discontinued. Thereafter, the complainant started to threaten the petitioner with serious consequences and lodge false case under the provisions of the Act, 2021, upon the allegation of pressurizing the petitioner to convert the religion. He further submits that F.I.R. was registered on 22.02.2021 on the basis of written complaint submitted by the complainant on 20.02.2021. However, much before that, on 17.07.2020, the services of the complainant was terminated due to dissatisfactory work and disobedience. He further submits that before termination, the entire payment was made to the complainant till the date of termination. Thereafter, on 02.02.2021, the gatekeeper of the school submitted an application to the Principal of the School that complainant is trying to enter in the school premises and upon refusal, threatening to commit suicide. On 17.2.2021, Principal forwarded the letter of the gatekeeper to S.D.O., Rajnagar, District Chhatarpur for taking appropriate action and demanded the Police protection by letter dated 20.2.2021 issued to S.H.O. Police Station Khajurao, District Chhatarpur.

5. Learned counsel for the petitioner further submits that an application was filed by the petitioner under Section 438 of Cr.P.C., 1973 for



grant of anticipatory bail registered as M.Cr.C. No.12730/2021, wherein interim protection was granted to the petitioner by order dated 16.3.2021 and later on by order dated 30.4.2021, interim protection was made absolute after recording the finding that complainant was trying to falsely implicate the petitioner by levelling the allegations of forced conversion of her and her family. He submits that charge-sheet has already been filed on 28.3.2022 and there is no material in the charge sheet except the bald allegations leveled against the present petitioner. He relied on the judgment delivered by Supreme Court in the matter of **State of Haryana and others vs. Bhajan Lal and others** , 1992, Supp. (1) SCC 335, wherein the Supreme Court has held that, if the Court is of the view that the criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, the F.I.R. or criminal proceedings can be quashed. He further relied on the judgment delivered by Supreme Court in **Mamta Shailesh Chandra vs. State of Uttrakhand and others**, SLP (Cri.) No.7273/2019, wherein by order dated 29.1.2024, Apex Court has held that the quashment petition cannot be dismissed only on the ground that charge sheet has been filed.

6. Learned counsel submits that due to *mala fide* intention and personal grudges, the complainant has lodged a false, malicious report against the present petitioner, and therefore, the same is liable to be quashed.

7. Learned counsel appearing on behalf of respondent/State opposed the prayer on the ground that sufficient material and evidence are available



against the present petitioner in the charge-sheet and F.I.R. or charge-sheet cannot be quashed in the present matter.

8. After due consideration of the arguments advanced by the counsel for the parties, it is not in dispute that complainant was working in the School managed by the petitioner and there were some issues between them. However, in the written complaint lodged by the complainant against the present petitioner, she specifically leveled the allegation that she was induced and pressurized by the petitioner to convert her religion from Hindu to Christian and as she has denied to convert the religion, she was tortured by the petitioner and ultimately terminated from the service. Even in the judgment relied by the counsel for petitioner delivered by Supreme Court in the matter of **Bhajan Lal (supra)**, Supreme Court has held that, power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice. The court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint. It is true that Supreme Court has held that, if Court is of the view that the criminal proceedings have been initiated with *mala fide* intention and ulterior motive for wreaking vengeance on the accused or due to private and personal grudges, the same can be quashed. But in view of this Court, the allegations leveled by the complainant in the instant case, prima facie make out a case against the petitioner punishable under Section 3 and 5 of the Madhya Pradesh Freedom



of Religion Act, 2021.

9. The allegations are serious in nature. It is also alleged in the F.I.R. that complainant was terminated due to refusal for conversion of religion. Even in the letter issued by the petitioner to S.H.O. Police Station Khajurao, District Chhatarpur on 20.2.2021, it is mentioned that complainant is levelling the allegation of pressurizing her for conversion of the religion. Meaning thereby, the complainant has not leveled the allegation for the first time in the written complaint lodged on 20.2.2021 but she was levelling the allegation of force conversion, even prior to lodging the F.I.R.

10. Learned counsel for the petitioner is failed to satisfy the Court that due to the service dispute, malafidely with ulterior motive, F.I.R. has been lodged. It is not the case of the petitioner that immediately after terminating the services of the complainant, she lodged the F.I.R.

11. In the case of **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others, 2021 SCC Online SC 315**, a three Judges Bench of Supreme Court laid down the following principles of law:-

1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences.
2. Courts would not thwart any investigation into the cognizable offences.
3. However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on.
4. The power of quashing should be exercised sparingly with circumspection, in the "rarest of rare cases". (The rarest of rare cases standard in its application for quashing under Section 482CrPC is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court.)
5. While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.
6. Criminal proceedings ought not to be scuttled at the initial stage.



7. Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule.
8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the ends of justice or prevent the above of the process by Section 482CrPC.
9. The functions of the judiciary and the police are complementary, not overlapping.
10. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.
11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.
12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.
13. The power under Section 482CrPC is very wide, but conferment of wide power requires the Court to be cautious. It casts an onerous and more diligent duty on the Court.
14. However, at the same time, the Court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in R.P. Kapur [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] and Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , has the jurisdiction to quash the FIR/complaint.
15. When a prayer for quashing the FIR is made by the alleged accused, the Court when it exercises the power under Section 482 CrPC, only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

12. The allegations made in the F.I.R. if taken at their face value constitute the ingredients of Section 3 and 5 of the Madhya Pradesh Freedom



of Religion Act, 2021. The material collected during investigation are to the effect that petitioner forced the complainant to change her religion. The statement of complainant also recorded under Section 164 of Cr.P.C. before the Competent Magistrate, wherein she leveled the allegations against the present petitioner. Service dispute may be a good ground of defence, but merely because of the service dispute, at this stage, it cannot be accepted that the F.I.R. was lodged with ulterior motive to take revenge.

13. Under these circumstances, considering the allegations made in the F.I.R., the material available in the charge-sheet, statement of complainant recorded under Section 164 of Cr.P.C., in the opinion of this Court, it is not a fit case for quashment of F.I.R. and criminal proceedings. On the contrary, the allegations are sufficient to put the petitioner on trial. Petitioner may show her innocence during trial.

14. Consequently, the petition fails and is hereby dismissed. No order as to costs.

(VINAY SARAF)
JUDGE