

High Courts can quash FIRs : Supreme Court

The Supreme Court has recently ruled that the High Courts can quash an FIR against a person if it did not prima facie disclose any offence.

A two judge bench said that ordinarily criminal proceedings instituted against an accused must be tried and taken to logical conclusions under the Criminal Procedure Code (Cr.P.C.) and the High Courts should be reluctant to interfere into the proceedings at an interlocutory stage.

"However, if upon the admitted facts and the documents relied upon by the complainant or the prosecution and without weighing or sifting evidence, no case is made out, the criminal proceedings instituted against the accused are required to be dropped or quashed", the bench said. Where the allegations in the FIR or the complaint or the accompanying documents taken at their face value, do not constitute the offence alleged, the person proceeded against in such a frivolous criminal litigation has to be saved, ruled the bench.

One K. Ramakrishnan and others, senior officers of the United Bank of India, have been arraigned as accused persons in the chargesheet submitted in a Patna court. They sought discharge from the case on the ground that no case was disclosed either in the FIR or in the documents, accompanying the final report submitted under Section 173 of the Cr.P.C. Their plea was rejected by the trial court and also by the Patna High Court.

The apex court setting aside the High Court order, observed that the trial court under Section 239 and the High Court under Section 482 of the Cr.P.C. did not embark upon an inquiry as to whether evidence in question was reliable or not or evidence relied upon was sufficient to proceed further or not. The inherent powers of the High Court under Section 482 of CrPC could be exercised to quash proceedings, in appropriate cases either to prevent the abuse of the process of any courts or otherwise to secure the ends of justice.