



2025:UHC:3748

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ASHISH NAITHANI
CRIMINAL MISC. APPLICATION NO. 1115 of 2021

James Kunjwal

...Applicant

Versus

State of Uttarakhand & Another

...Respondent

Presence:

Mr. Arvind Vashista, learned senior counsel assisted by Ms. Devanshi Joshi,
Mr. Harsh Vardhan Dhanik, learned counsels for the applicant.
Mr. Rakesh Negi, learned Brief Holder for the State of Uttarakhand/1.
Ms. Anjali Shahi, respondent no.2 present in person.

Hon'ble Ashish Naithani, J.

1. The present case arises from Criminal Miscellaneous Application No. 1115 of 2021 filed under Section 482 of the Code of Criminal Procedure, 1973, before the Hon'ble High Court of Uttarakhand at Nainital by the applicant, Mr. James Kunjwal. The matter pertains to the quashing of proceedings initiated pursuant to FIR No. 109 of 2021, registered at Police Station Kathgodam, District Nainital, under Sections 376 and 504 of the Indian Penal Code. The FIR was lodged by Respondent No. 2, Ms. Anjali, who alleged that the applicant sexually exploited her under the false pretence of marriage and subsequently refused to marry her.
2. The applicant, Mr. James Kunjwal, and the respondent, Ms. Anjali, were appointed as Assistant Professors at Graphic Era Institute,



Dehradun, in the year 2017. During the course of their professional engagement, a personal relationship developed between the two.

3. On 21.09.2019, the respondent, Ms. Anjali, organised a public celebration of the applicant's birthday at the university, and in the presence of colleagues and students, proposed marriage to him. The applicant accepted the proposal, and discussions regarding formalisation of the alliance were thereafter initiated between both families.
4. In mid-April 2021, the applicant claims to have come across certified court documents revealing that the respondent had previously been married to one Vinod Singh, and that the decree of divorce had been granted only on 22.07.2020. This prior marital history had allegedly not been disclosed to the applicant at any stage of the relationship or during family-level discussions.
5. Around the same time, the applicant learned from news reports that the respondent's brother had been arrested in connection with the alleged murder of their mother, which had taken place in the year 2020. Despite the disturbing developments, the applicant and his family are stated to have attended the last rites of the deceased.
6. Apprehending threats, blackmail, and concealment of material facts, the applicant submitted a written complaint dated 25.01.2021 to the Circle Officer, Haldwani, wherein he unequivocally communicated his decision to withdraw from the proposed matrimonial alliance. He cited concerns such as familial instability, suppression of prior marital status, and alleged coercion for financial assistance in the legal defence of the respondent's brother.
7. According to the respondent, she was unaware of the said complaint. She continued to maintain her relationship with the applicant, including physical intimacy, allegedly on the continuing assurance of marriage, up to 28.04.2021.



8. On 01.05.2021, a final confrontation is stated to have taken place between the parties, during which the applicant is alleged to have unequivocally declined to marry the respondent.
9. On the next day, i.e., 02.05.2021, the respondent lodged FIR No. 109 of 2021 at Police Station Kathgodam, District Nainital, under Sections 376 and 504 of the Indian Penal Code, 1860, alleging that she had been subjected to sexual intercourse under a false promise of marriage and had also been verbally abused.
10. Pursuant to the registration of the FIR, the applicant was taken into custody. His bail application before the learned Sessions Judge, Nainital, was rejected on 04.05.2021.
11. Thereafter, the applicant approached this Hon'ble Court through Bail Application No. 1190 of 2021. Vide order dated 08.06.2021, this Court was pleased to grant regular bail to the applicant, having regard to the materials placed on record and the background of the dispute.
12. Subsequently, Chargesheet No. 01 of 2021 was filed by the Investigating Officer on 14.06.2021 before the Chief Judicial Magistrate, Haldwani. Cognisance was taken by the learned Magistrate on 29.07.2021, and the matter was registered as Criminal Case No. 3576 of 2021.
13. After the grant of bail, the respondent moved an application seeking cancellation of the applicant's bail, alleging post-bail misconduct, including transmission of inappropriate WhatsApp messages, suggestive Instagram status updates, and unwelcome contact at the premises of the trial court.
14. The Supreme Court, in *James Kunjwal v. State of Uttarakhand* (2024 SCC OnLine SC 1943), quashed the proceedings against James Kunjwal under Section 193 IPC (perjury), holding that mere denial of allegations in an affidavit without deliberate falsehood or malafide intent does not meet the threshold for perjury. The Court emphasised



that prosecution under Section 193 IPC requires prima facie evidence of intentional falsehood on a substantive matter, which was absent here. It was noted that such proceedings should only be initiated in exceptional circumstances where expedient justice is required. The High Court's direction to file a complaint was set aside, clarifying that this decision would not affect the pending criminal case against James Kunjwal under Sections 376/504 IPC.

15. On the basis of the respondent's complaint dated 24.07.2022, the local police summoned the applicant. It is stated that the applicant gave a verbal assurance to desist from such conduct. Nevertheless, another complaint followed, prompting the police to once again issue a summons. As per the inquiry records, the applicant admitted to uploading certain online content against the respondent and was formally cautioned.
16. In the interregnum, the applicant instituted the present petition under Section 482 CrPC, seeking quashing of FIR No. 109 of 2021 and the consequential proceedings, on the ground that the dispute arises from a failed consensual relationship that has been given a criminal colour out of malice.
17. During the pendency of proceedings, the respondent has filed multiple counter-affidavits and supplementary pleadings, expanding the scope of allegations to include claims of forced abortion and continued emotional and physical exploitation.
18. The present petition, invoking the inherent jurisdiction of this Court under Section 482 CrPC, seeks quashing of the impugned FIR and the proceedings arising therefrom, primarily on the ground that the allegations are borne out of a deteriorated personal relationship and do not, even if taken at face value, disclose the commission of any cognisable offence.



19. Heard learned counsel for the parties and perused the records.
20. The applicant respectfully submits that the present criminal proceedings are the outcome of a failed personal relationship which, though long-standing and consensual in nature, turned adversarial upon the applicant's withdrawal from the proposed marriage. It is submitted that the relationship between the applicant and the respondent, which began in 2017 and continued for several years, involved complete emotional and physical intimacy, as well as active involvement of both families on two separate occasions for finalising matrimonial arrangements. The applicant contends that he had a genuine intent to marry the respondent, which stands demonstrated by the repeated scheduling of the wedding and financial commitments undertaken by his family.
21. It is further submitted that the applicant's decision not to proceed with the marriage was not whimsical or malicious but arose from material facts discovered in April 2021 namely, the respondent's undisclosed prior marriage and recent divorce, and the arrest of her brother in a grave criminal case concerning the alleged murder of their mother. These facts were not known to the applicant earlier and, once revealed, gave rise to serious apprehensions about trust, transparency, and long-term compatibility. The applicant, therefore, submitted a formal complaint on 25.01.2021 to the Circle Officer, Haldwani, clearly expressing his unwillingness to proceed with the matrimonial alliance.
22. The applicant respectfully submits that FIR No. 109 of 2021, registered on 02.05.2021 under Sections 376 and 504 IPC, was lodged only after the applicant's unequivocal refusal to marry the complainant. The timing and circumstances of the FIR suggest that it was a reactionary measure aimed at coercing the applicant into marriage, rather than a bona fide allegation of criminal wrongdoing. The continuation of the relationship even beyond January 2021, as admitted



by the complainant herself, belies the claim of inducement based on a false promise to marry.

23. The learned counsel, relying on various judgments including *Dr Dhruvaram Murlidhar Sonar v. State of Maharashtra and Others* (2019) 18 SCC 191, argued for drawing a clear distinction between consensual sex and rape. He further highlighted relevant observations from the judgment –

“23. Thus, there is a clear distinction between rape and consensual sex. The court, in such cases, must very carefully examine whether the complainant had actually wanted to marry the victim or had mala fide motives and had made a false promise to this effect only to satisfy his lust, as the latter falls within the ambit of cheating or deception. There is also a distinction between mere breach of a promise and not fulfilling a false promise. If the accused has not made the promise with the sole intention to seduce the prosecutrix to indulge in sexual acts, such an act would not amount to rape. There may be a case where the prosecutrix agrees to have sexual intercourse on account of her love and passion for the accused and not solely on account of the misconception created by accused, or where an accused, on account of circumstances which he could not have foreseen or which were beyond his control, was unable to marry her despite having every intention to do. Such cases must be treated differently.”

24. It is further submitted that; the law is well-settled that not every failed promise of marriage amounts to rape. For an offence under Section 376 IPC to be made out, it must be established that the promise to marry was false from the outset and made with mala fide intent. The applicant places reliance on the decisions of the Hon’ble Supreme



Court in *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, and *Deepak Gulati v. State of Haryana*, (2013) 7 SCC 675, which draw a clear distinction between false promises and genuine relationships that do not culminate in marriage due to changed circumstances. The learned counsel also places reliance on *Naim Ahamed v. State (NCT of Delhi)*, (2023) 15 SCC 385, highlighting the relevant portions from the judgment.

“..it is pertinent to note that there is a difference between giving a false promise and committing breach of promise by the accused. In case of false promise, the accused right from the beginning would not have any intention to marry the prosecutrix and would have cheated or deceived the prosecutrix by giving a false promise to marry her only with a view to satisfy his lust, whereas in case of breach of promise, one cannot deny a possibility that the accused might have given a promise with all seriousness to marry her, and subsequently might have encountered certain circumstances unforeseen by him or the circumstances beyond his control, which prevented him to fulfil his promise. So, it would be a folly to treat each breach of promise to marry as a false promise and to prosecute a person for the offence under Section 376. As stated earlier, each case would depend upon its proven facts before the court.”

25. The applicant further contends that the continuation of the present criminal proceedings constitutes a gross abuse of the process of law. Even assuming the allegations to be true at face value, they do not satisfy the legal ingredients necessary to constitute the offences alleged. As held in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, when a complaint is actuated by malice or filed with ulterior motives, the Hon’ble High Court is empowered to exercise its inherent



jurisdiction under Section 482 CrPC to prevent misuse of the criminal process.

26. On the argument regarding section 482 Cr.P.C, learned counsel relied on *Anand Kumar Mohatta and Another v. State (NCT of Delhi), Department of Home and Another*, (2019) 11 SCC 706, in which the counsel highlighted –

”16. There is nothing in the words of this section which restricts the exercise of the power of the Court to prevent the abuse of process of court or miscarriage of justice, only to the stage of the FIR. It is a settled principle of law that the High Court can exercise jurisdiction under Section 482 CrPC even when the discharge application is pending with the trial courts. Indeed, it would be a travesty to hold that proceedings initiated against a person can be interfered with at the stage of the FIR. Still, not if it has advanced and the allegations have materialised into a charge-sheet. On the contrary, it could be said that the abuse of process caused by the FIR stands aggravated if the FIR has taken the form of a charge-sheet after investigation. The power is undoubtedly conferred to prevent abuse of the process of power of any court.”

27. The counsel further quoted *Iqbal alias Bala and Others vs. State of Uttar Pradesh and Others* (2023) 8 SCC 734, wherein the Hon’ble Supreme Court judgement observed that –

“11.In frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances



emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, try to read between the lines. The Court, while exercising its jurisdiction under Section 482 CrPC or Article 226 of the Constitution, need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take, for instance, the case at hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

28. The learned counsel has relied on *Abhishek v. State of Madhya Pradesh* (2023) 16 SCC 666, citing the relevant part of the judgment as

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*“19. Of more recent origin is the decision of this Court in *Mahmood Ali. State of U.P.* (2023) 15 SCC 488 on the legal principles applicable apropos Section 482 CrPC. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 CrPC or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more*



closely. It was further observed that it will not be enough for the court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.“

29. It was, therefore, prayed that this Hon’ble Court may be pleased to exercise its inherent jurisdiction under Section 482 CrPC and quash FIR No. 109 of 2021 and the consequential proceedings, to prevent the miscarriage of justice and protect the sanctity of the criminal process.
30. In response to the allegations of misconduct post-bail, the applicant submits that he has never threatened or sought to influence the complainant in any manner. While certain social media posts or WhatsApp statuses may have been perceived as inappropriate, they were neither directed at the complainant nor intended to cause any harassment. The applicant, when summoned by the police in July 2022, had assured the authorities that he would refrain from any further contact. This Hon’ble Court, in its detailed order dated 01.10.2022, had already declined to cancel the applicant’s bail, having found no material to justify curtailing his liberty.
31. Per contra, the respondent respectfully submits that a clear prima facie case is made out against the applicant under Section 376 IPC. The FIR, read along with her affidavit and supporting documents, establishes that the applicant engaged in a physical relationship with



her on the pretext of marriage, despite having decided internally not to marry her and having already initiated plans to marry another woman. The respondent states that, had she been aware of the applicant's true intention, she would not have consented to any such relationship. Her consent, thus, stands vitiated under clause 2 of Section 375 IPC. The Hon'ble Supreme Court, in *Uday v. State of Karnataka*, (2003) 4 SCC 46, and *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, has categorically held that consent obtained on the basis of a promise of marriage which the man never intended to fulfil amounts to rape. The facts of the present case squarely fall within that ratio.

32. It is further submitted that while the applicant had submitted a written complaint dated 25.01.2021 to the Circle Officer, Haldwani, expressing his decision not to marry the respondent, this fact was never communicated to her. On the contrary, the physical and emotional relationship between the parties continued until 28.04.2021, as reflected in medical documents, hotel records, and communication logs placed on record. This establishes that the applicant knowingly sustained the illusion of an impending marriage while having already withdrawn mentally and formally from the relationship. The deception was deliberate and calculated, resulting in the respondent's continued consent to physical relations under a false belief. It is further revealed that during this period, the applicant had fixed his marriage with another woman and was also allegedly involved in a parallel physical relationship with one Ms. Nisha Bhatt. Such conduct reveals a pattern of betrayal, manipulation, and systematic abuse of trust.

33. The respondent further submits that the present petition under Section 482 CrPC does not warrant interference at this stage. It is a well-settled principle that inherent powers under Section 482 CrPC are to be exercised sparingly and only in exceptional circumstances where the allegations, even if accepted in their entirety, do not constitute any



offence. In the present matter, the FIR read with documentary evidence and supplementary material discloses the commission of a cognisable and non-compoundable offence under Section 376 IPC. The respondent relied on *CBI v. Aryan Singh and others* (2023) 18 SCC 399, highlighting-

“As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr.P.C., the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution /investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution /investigating agency.”

34. The applicant's conduct post-grant of bail further reinforces the respondent's apprehensions. Despite being enlarged on bail by this Hon'ble Court on 08.06.2021, the applicant continued to contact the respondent via messages, WhatsApp statuses, and Instagram content, some of which were obscene or suggestive in nature. The respondent submitted complaints to the police on 24.07.2022 and thereafter. The police summoned the applicant, and the State Government, in its counter affidavit, has admitted that the applicant verbally assured non-repetition of such conduct after acknowledging the same.
35. However, the conduct did recur, thereby establishing a pattern of intimidation, psychological harassment, and disregard for bail conditions. The applicant even attempted to approach the respondent within court premises, further aggravating her distress and undermining the sanctity of the ongoing legal process.
36. Lastly, the respondent submits that her allegations are not



baseless or speculative but are grounded in verifiable documentation and consistent testimony. She has placed substantial corroborative material on record, including medical reports, hotel records, and chat logs. Her complaint was not lodged in isolation but was followed by procedural compliance and police intervention. She has also regularly attended court proceedings after being served with a summons in October 2022. The delays in the trial proceedings are not attributable to her conduct.

37. In view of the foregoing, it is respectfully prayed that the present petition seeking quashing of the FIR and proceedings may be dismissed, and the trial permitted to proceed in accordance with law.
38. The factual context in which the FIR has been lodged is important. The parties were colleagues in an academic institution and, by their own admission, engaged in a personal and physically intimate relationship over a prolonged period beginning in 2017. Matrimonial discussions were held between their respective families on two occasions, and dates for solemnisation were fixed and preparations made. The applicant now argues that he had withdrawn from the alliance formally by submitting a police complaint on 25.01.2021. Still, it is undisputed that no such communication was ever conveyed to the respondent. On the contrary, physical proximity and emotional intimacy continued until the end of April 2021, a fact admitted by both parties and corroborated through records placed on file, including medical documents and hotel stays.
39. The timing of the FIR, lodged on 02.05.2021, immediately following the applicant's refusal to marry the respondent on 01.05.2021, is sought to be portrayed by the applicant as indicative of malice or coercive intent. However, this Court cannot overlook the pattern of conduct that preceded the complaint. The respondent has specifically alleged that she continued to consent to physical relations



only because of the subsisting assurance of marriage, an assurance she claims the applicant never intended to fulfil. This sequence of events, if proven, lends substantial weight to the respondent's claim that her consent was obtained by deception, which, however, is a matter for trial.

40. This court takes note of the fact that the jurisdiction under Section 482 CrPC is not to be exercised to stifle legitimate prosecution where allegations prima facie discloses the commission of an offence. The law is equally settled that the power to quash a First Information Report must be invoked sparingly, and only where the complaint does not disclose any offence, is manifestly frivolous or vexatious, or is actuated by malice.
41. On point of consent, learned counsel for the applicant relied on certain judgements of Hon'ble Supreme Court such as *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608 and *Yogendra Digambar Saindane v. The State of Maharashtra and Another* Special Leave to Appeal (Crl.) No(s). 904/2021 as well as *Mahesh Damu Khare v. State of Maharashtra and Another* (2024) SCC online SC 741 to lay emphasis on the legal position of "consent" of a woman with respect to section 375 of IPC, that the consent must involve an active and deliberation towards the proposed act and the counsel sought to distinguish between rape and consensual sex.
42. This court takes note of *Uday v. State of Karnataka*, (2003) 4 SCC 46, wherein the Hon'ble Supreme Court held that a promise to marry that is false from the beginning and made with no intention to carry it out, amounts to misrepresentation. Similarly, in *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, the Court clarified that the determinative factor is whether the accused had a dishonest or fraudulent intention at the time the promise was made. Where the promise is not kept due to subsequent developments, no



offence is made out. However, where the promise is illusory, deceitful, or designed to exploit, Section 375 clause 2 is attracted.

43. At this juncture, this Court is not expected to conduct a roving inquiry or evaluate the probative value of evidence. Nonetheless, a prima facie case must be assessed.
44. The claim that the physical relationship was purely consensual in the ordinary sense cannot be accepted at face value. The relationship, as revealed from the record, continued until 28.04.2021, despite the applicant's submission of a complaint dated 25.01.2021 expressing his decision not to proceed with the marriage, a fact that was admittedly never communicated to the respondent. The continuation of emotional and physical intimacy thereafter, corroborated by documents such as hotel records and medical reports, strongly suggests that the respondent remained under the impression that the promise of marriage still subsisted. This disparity, where one party alone is aware of the decision to withdraw from the alliance while the other continues under a misapprehension, reflects a situation of unequal knowledge, vitiating the concept of free and informed consent.
45. The argument that a failed relationship should not be criminalised is, in principle, correct. However, where one party enters or sustains an intimate relationship under a promise that was never intended to be honoured, and suffers emotional, physical, and reputational harm as a result, the criminal law cannot remain indifferent. The criminalisation lies not in the breakdown of the relationship but in the *manner in which it was exploited*. In that context, consent ceases to be meaningful, and the law rightly steps in to examine whether such consent was obtained under false pretences.
46. The applicant's further contention that this is a classic case of post-breakup vengeance and that the complainant is misusing criminal law as a tool of retaliation is unpersuasive at this stage. The respondent



has consistently attended proceedings and produced documentation to support her claims. She has not merely relied on oral testimony but has submitted medical reports, digital evidence, and hotel records. Her conduct does not reflect mala fides but rather the sustained trauma of emotional exploitation, which, if proven, deserves redress under the criminal law.

47. Moreover, the conduct of the applicant post-grant of bail further compounds the seriousness of the case. As recorded in proceedings related to bail cancellation, the applicant continued to engage in online conduct that was suggestive or inappropriate, allegedly aimed at the respondent. Though warned by authorities, the behaviour recurred. His conduct goes beyond a mere social media lapse; it reflects disregard for legal restraints and contributes to an atmosphere of intimidation for the victim.
48. Furthermore, reliance has been placed upon various judgments of the Supreme Court by the Parties. The Applicant with the support of various judgements such as *Shambhu Kharwar v. State of Uttar Pradesh and Another Criminal Appeal No (1231) of 2022* and *Dhruvaram Murlidhar Sonar V. State of Maharashtra, (2019) 18 SCC 19*, has highlighted the parameters governing the exercise of the jurisdiction of Section 482 of Cr.P.C. stating that, High Court would be justified to quash any proceedings if it finds that initiation/continuance of it amounts to abuse of process of court or quashing of these proceedings would otherwise secure the ends of justice when no offence is disclosed by complaint, court may examine question of fact.
49. Reliance was placed on the Supreme Court judgement in *State of Madhya Pradesh v. Laxmi Narayan and Others, AIR (2019) SC 1296*, by the Respondent, wherein the Hon'ble Supreme Court says that -

“On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence



the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion...”

50. In the case of *V. Ravikumar v State* (2019) 14 SCC 568, Hon’ble SC affirmed that, where an accused seeks quashing of the FIR invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter the factual arena to adjust the correctness of the allegations in the complaint.
51. In light of the above discussion, this Court is of the opinion that the FIR in question discloses the commission of a cognisable, non-compoundable offence under Section 376 IPC. The allegations, when read as a whole and taken at face value, cannot be said to be absurd, inherently improbable, or wholly lacking in substance. The case involves disputed questions of fact and mixed questions of law, which can only be determined upon full trial and not within the limited contours of Section 482 CrPC.
52. It is an admitted position that the trial in the present matter has already commenced and is at an advanced stage. The Hon’ble Supreme Court has time and again cautioned that once the trial has begun, the High Court must exercise extreme restraint in invoking its inherent powers. The stage of Section 482 is not to interject into a proceeding that has already entered the evidentiary phase unless there is a glaring illegality or miscarriage of justice neither of which is apparent in the present case, and the issues raised by the petitioner are intricately linked to factual determinations that are best addressed during the trial process.
53. The High Court must refrain from conducting a "mini-trial" or delving into the merits of the case at the pre-trial stage. The trial has



2025:UHC:3748

already commenced, and the issues raised by the petitioner are intricately linked to factual determinations that are best addressed during the trial process. As established in *CBI v. Aryan Singh* supra, the Hon'ble Court has observed that –

“As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 CrPC, the Court is not required to conduct the mini-trial.”

ORDER

In view of the above discussion, I am not inclined to exercise inherent jurisdiction under Section 482 CrPC. The allegations, when read as a whole, disclose the commission of a cognisable and non-compoundable offence under Section 376 IPC. The case involves disputed questions of fact and evidentiary matters that cannot be adjudicated at the pre-trial stage. The trial has already commenced, and no exceptional circumstance or glaring illegality is made out to justify interference under the limited jurisdiction conferred by Section 482 CrPC. Accordingly, the application stands dismissed.

Accordingly, the application stands **dismissed**.

Ashish Naithani, J.

Dated: 09th May, 2025

NR/