

Naresh Aneja @ Naresh Kumar Aneja vs The State Of Uttar Pradesh on 2 January, 2025

Author: Sanjay Karol

Bench: Sanjay Karol, C.T. Ravikumar

2025 INSC 19

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.....OF 2025
(Arising out of Special Leave Petition (Crl.) No. 1093 of

NARESH ANEJA @ NARESH KUMAR ANEJA

VERSUS

STATE OF UTTAR PRADESH & ANR.

JUDGMENT

SANJAY KAROL, J.

Leave Granted.

2. The instant appeal questions the correctness of judgment in order dated 8th January, 2021, passed in Application u/s 482 No. 18712 of 2020 by the High Court of Judicature at Allahabad, whereby the appellant request to quash the chargesheet and proceedings arising out of Case Crime No. 1074 of 2019 u/s 354, 506 of the Indian Penal Code, 1860 was turned down. FACTS IN BRIEF

3. The appellant and respondent no. 22 are Directors in a joint concern by the name of 'M/s LAJ-IDS Exports Pvt. Ltd.' with the shareholding divided 3:1. Hereinafter referred to as 'IPC' Hereinafter referred to as 'the complainant' Record reveals certain allegations and counter allegations in regard to mishandling of the company's finances, however, the same are not within the scope of the present adjudication.

3.1 In July 2019, the appellant vide a communication Annexed as P-2 sought to end this partnership. However, this fact also stands disputed. 3.2 On 20th July, 2019, respondent no. 2 filed a complaint before the Senior Superintendent of Police, Janpad – Gautambuddh Nagar, making allegations against RK Aneja (brother of the appellant and A-1 in the chargesheet) of inappropriate behaviour in the workplace as also alleged threat of murder. The complaint reads as under:

“To, The Senior Superintendent of Police, Janpad – Gautambuddh Nagar (U.P.) Sir, The humble request is that Applicant Puja D/o Late A.K. Tankha is R/o H.N.2106 Tower Lotus bulword Sector 100 Noida P.S. 39, Gautambuddh Nagar and Applicant is working ass Director in I.D.S. Export Pvt. Ltd. House No.208, Sector 63, Noida Company and R.K. Aneja R/o 7 Hauz Khas New Delhi are working as Director in the aforesaid company and Applicant has been working in the aforesaid company from February 2018. R.K. Aneja has been harassing and troubling the Applicant since October November 2018 and from few months R.K. Aneja has been holding hands on small works and when the Applicant works on computer while sitting then he touches the Applicant which cannot be explained by Applicant. Applicant informed this to Naresh then he said that he will make R.K. Aneja understand. Holding the hand of Applicant and touching her body in above office by the R.K. Aneja has been seen by Chaman Lal S/o Kishan Lal R/o E-1813 G.N.22, Sangam Vihar, New Delhi and Savender Singh R/o I.P. Extension New Delhi. R.K. Aneja has tried to rape Applicant and upon screaming he threatened to kill her, then the Applicant pushed R.K. Aneja and escaped from there and left the company. Applicant went to police station and police officer did not lodge his complaint then the Applicant went and met Senior Superintendent of Police Gautambudh Nagar in Public Audience and gave her complaint on which no steps have been taken. Applicant is again giving this complaint to Senior Superintendent of Police.

Therefore, it is requested t you sir, that direction be given to the Station House Officer Phase-3 to lodge the first information report against the above persons and take legal actions.

Applicant Sd/-” 3.3 A preliminary enquiry report was submitted to the competent authority on 6th August, 2019. However, on 14th August, 2019, the complainant filed an application bearing no. 457/2019 u/s 156(3) of the Code of Criminal Procedure, 1973, before the Chief Judicial Magistrate⁴, Gautambuddh Nagar alleging non-lodging of complaint as also no investigation having taken place on the representation given to the Senior Superintendent of Police, Gautambuddh Nagar. Relevant extract thereof is as under:

“...Conclusion:-

During the investigation, we spoke to both the parties and gone through all the facts and it was found that R.K. Aneja has firm in the name of “Laj Exports Limited which works in the field of Garments. The above firm was registered in the year 2005. Applicant Pooja Tankha has firm in the name of “IDS Fashions Pvt. Ltd. In the above firm Applicant and her mother are designated Director. In the year 2018 Applicant met with Accused R.K. Aneja through common friend Ajay Dalvi. Applicant informed that she has various buyer from foreign in case Accused make joint company then business can be increased. After that a joint business company was registered by the Applicant and Accused in the name of Laj IDS Exports Private Limited” in the above

firm R.K. Aneja and Naresh Aneja had 75% share and Applicant had 25% share. The above firm used to do designing and export of Bridal wear and Evening Wear. Applicant had various customer in foreign therefore he was given operational management work whereas the account finance and other policy decision were with R.K. Aneja and Naresh Aneja. Because of various difference between the Applicant and Accused during the business of company, the dispute arose in the company. Accused states that Applicant used to book the orders received from foreign in her own private company “IDS Fashions Private Limited and ‘CrPC’ for short Abbreviated as ‘CJM’ not in the name of Laj IDS Exports Private Limited, but the resources were used of Laj IDS Exports Private Limited. On the other hand the Applicant states that the foreign customers know her personal company IDS Fashions Private Limited and not Laj IDS Exports Private Limited therefore all orders are taken in the name of IDS Fashions Private Limited and those are fulfilled by the company Laj IDS Exports Private Limited, the information was well within the knowledge of the other Director of Laj Exports Private Limited. Accused has made allegation on the applicant that she has booked the order from foreign without any acceptance/approval and did not give any information to the Accused and has got the work executed from “Laj Exports Private Limited because of which huge financial loss has occurred. On the other hand Applicant states that even after being Director she was not able to see the accounts of “Laj IDS Exports Private Limited and she has made allegation on the other Directors that they have done misappropriation of account and theft of tax.

Hence it is clear that there is dispute going on between applicant and Accused with regard to management and finances of “Laj IDS Exports Private Limited.

Applicant had made allegation in her complaint that Accused Director R.K. Aneja used to harass her and used to threat him to kill her. During the enquiry with Applicant it was informed that Accused R.K. Aneja used to touch her inappropriately and also used to stand behind with bad intention. Although these allegations were opposed by the Accused. It is stated that in other firms there are 1600 girls are working but no one has made allegation of harassment till date. During the investigation other worker of Laj IDS Exports Private Limited Smt. Babli W/o Shri Ashok Singh Kumar, Shri Chamanlal S/o Shri Kishan Lal ...illegible Yadav S/o Shri Harishchandra Yadav, Avdhesh Kumar, Pawan Kumar, Sarwal Khan etc. were enquired and statement were taken who has stated in their statement that they had no information of such incident done with the Applicant by the R.K. Aneja. During the investigation Applicant has also not provided any evidence like CCTV footage etc. apart from her verbal statement from which the same can be clarified. From the complete information it is clear that there is a dispute between Applicant and Accused regarding management and finance of Laj IDS Exports Private Limited but the allegation of harassment and touching inappropriately by the Accused cannot be certainly stated.

...

...

...

Sd/-
(Piyush Singh)
District Magistrate-Second
Janpad-Gautambudhnagar"

(emphasis supplied)

3.4 The CJM, on 20th August, 2019, in pursuance of this application,

directed registration of complaint and investigation thereof. On 4th September, 2019, First Information Report No. 1074 of 2019 came to be registered u/s 354 & 506 of IPC where under the present appellant is A-2.

Certain portions are extracted below: -

"...Copy complaint in Hindi in typed form before Hon'ble Chief Judicial Magistrate Sir, Gautambuddh Nagar, Complaint No. 457 of 2019 Pooja D/o Late A.K. Tankha, R/o H.N.2106 Tower Lotus Vulworld Sector 100 Noida P.S. 39, Gautambuddh Nagar... Applicant Versus 1. R.K. Aneja Director 2. Naresh Aneja Director presently working in Company and address Laj IDS Export Pvt. Ltd House No.208, Sector 63, Noida, District Gautambuddh Nagar,.. Respondent. Ps Phase 3, Complaint under Section 156(3) CrPC, sir the humble request is that Applicant Pooja D/o Late A.K. Tankha R/o H.N. 2016 Tower Lotus Sector 100, Noida PS 39 Gautambuddhnagar is working as Director in the company and R.K. Anuja and Naresh R/o 7 Hauz Khas New Delhi are also the director in the above company. Applicant has been working in the aforesaid company from February 2018. R.K. Aneja has been harassing the troubling the Applicant since October November 2018 and from few months R.K. Aneja has been holding hands on small works and when the Applicant works on computer while sitting then he touches the Applicant which cannot be explained by Applicant. Applicant informed this to Naresh then he said that he will make R.K. Aneja understand. Holding the hand of Applicant and touching her body in above office by the R.K. Aneja is seen by Chaman Lal S/o Kishan Lal R/o E- 1813 G.N. 22 Sangam Vihar, New Delhi and Savender Singh R/o I.P. Extension New Delhi. R.K. Aneja has tried has tried to rape Applicant and upon screaming he threatened to kill her, then the Applicant pushed R.K. Aneja and escaped from there and left the company. Applicant went to police station and police officer did not lodge his complaint then the Applicant went and met Senior Superintendent of Police Gautambudh Nagar in Public Audience and gave her complaint on which no steps have been taken. Applicant is again giving this complaint to Senior Superintendent of Police but till date no investigation has taken place. Constrained with the above the applicant is filing the present complaint here. Therefore, it is requested to you sir, that direction be given to the Station House Officer Phase-3 to lodge the first

information report against the above persons and take legal actions. Date 14.08.20219 Applicant SD English...illegible” (emphasis supplied) For short ‘FIR’ 3.5 It is also to be noted that, shortly after the present complainant filed her complaint, the appellant and his brother filed a complaint against the complainant alleging criminal breach of trust, cheating, and siphoning of funds of the partnership concern.

3.6 The appellant as also A-1 filed a Writ Petition in the High Court⁶ seeking protection from arrest as also the quashing of the subject FIR. Such a prayer to quash was refused but protection from arrest was granted till submission of the final report.

3.7 Chargesheet No. 8264 of 2020 was filed on 10th January, 2020, under the sections above named stating that the statement of the complainant, statements of the appellant and witnesses and the statement of appellant u/s 164 CrPC, the offences were found to be made out. Relevant extract thereof is as follows: -

“sir the above case was registered on the complaint of the above Complainant Pooja Tankha after investigation by SI Pramod Kumar Tyagi PS Phase 3. The above investigation was transferred from PS 3 to PS Site 5. I SI have gone through the above case and received C.D. and investigated. In the above case there is an anticipatory order from the Hon’ble High Court of Allahabad for the arrest of above accused Rajinder Kumar Aneja S/o Santlal Aneja R/o H-7, Hauz Khas, PS Hauz Khas New Delhi because of which the Accused cannot be arrested. Upon investigation statement of complainant and witness were taken and inspected the incident spot and statement under Section 164 Cr.PC was taken from Accused Rajender Kumar Aneja S/o Santlal Aneja R/o H-7, Hauz Khas PS Hauz Khas New Delhi 2. Naresh Kumar Aneja S/o Sant Lal Aneja R/o H-7, Hauz Khas PS Hauz Khas New Delhi, which is found under Section 354/506 IPC. Therefore, the Charge Sheet is present through Challan before Hon’ble Court. Kindly give appropriate punishment.” Criminal Writ Petition 22246 of 2019; disposed of vide order dated 1 st October 2019 Cognizance thereon was taken on 24th June, 2020.

PROCEEDINGS BEFORE THE HIGH COURT

4. The appellant filed a petition u/s 482 CrPC seeking a quashing of the chargesheet dated 10th January, 2020; cognizance order dated 24th June, 2020 as also stay on further proceedings against the appellant arising out of Case Crime No. 1074 of 2019 i.e. Trial Case No. 8264 of 2020 pending before the Civil Judge, Junior Division, FTC-2, Gautambuddh Nagar.

5. By the impugned order, the Learned Single Judge refused the prayer, observing that only malicious or malafide institution of proceedings warrants interference by way of the inherent powers of the High Court. It was further observed that there were disputed questions of facts and that the High Court could not enter into, nor could it undertake a “microscopic examination of facts and evidence to thwart the prosecution case”. Before it, a prayer for accepting the plea of bail was made seeking directions to the concerned court in that regard.

6. The Trial Court was directed to consider the prayer for bail on its own merits, and the appellant was directed to appear before the concerned Court within 45 days, and for such a time period, he was protected from any coercive steps.

SUBMISSIONS

7. We have heard Mr. R Basanth and Ms. Shobha Gupta, Learned Senior Counsel for the appellant and complainant, respectively. 7.1 The case of the appellant, as can be understood from the record as also the submissions made, is as follows:

(a) Prior to the application u/s 156(3) CrPC, an earlier complaint dated 14th August, 2019, was registered making the same allegations, which fact has been hidden from the Learned Magistrate. The preliminary investigating report submitted in respect thereto records that no offence under Sections 354 & 506 IPC are made out and in fact, the dispute arises from company affairs and management. In other words, the appellant has been falsely implicated in this case.

(b) Contents of the FIR or the chargesheet do not disclose commission of any offence by the appellant nor has the complainant alleged any act on his part in the application u/s 156(3) CrPC. There is only one-line in the chargesheet stating that the allegations against the appellant were proved.

(c) The FIR is motivated since the complainant possessed intentions to commit fraud. Upon her intentions and actions being unearthed, several cases have been filed against them.

7.2 The Complainant's case is as under:

(a) There is an attempt to paint the dispute as one originating from the company's affairs, however, the appellant and his brother took undue advantage of the complainant and blackmailed her.

(b) The FIR and statements u/s 161 and 164 CrPC are clear that A-1 made inappropriate advances towards her and when she wished to file a complaint, the appellant degraded her by way of abusive language and physical and mental harassment.

(c) The appellant has concealed relevant facts before this court, such as his criminal history, including complaints allegedly filed by persons other than the complainant herein.

(d) With reference to Rupan Deol Bajaj v. K.P.S Gill⁷, Rajesh Bajaj v.

State of NCT of Delhi⁸ and Medchl Chemicals and Pharma (P) Ltd. v. Biological E Ltd . & Ors,⁹ it is submitted that prima facie offence is made out against the appellant, and therefore, the same should not be quashed. CONSIDERATION BY THIS COURT

8. In the above conspectus, the sole question to be considered by this court is whether the charges levied against the appellant are ex-facie made out from the record, thereby justifying the High Court's refusal to quash proceedings by invoking its inherent powers u/s 482 CrPC.

9. For the purposes of immediate recall, it may be stated here that the chargesheet finds the offences u/s 354 & 506 IPC to be established, warranting trial against the appellant as well as A-1.

10. It is well settled that when considering an application u/s 482 CrPC, the court cannot conduct a mini-trial but instead is to be satisfied that prima facie the offences as alleged are made out. To put it differently, it is to be seen, without undertaking a minute examination of the record, that there is some substance in the allegations made which could meet the threshold of statutory language. (1995) 6 SCC 194 (1999) 3 SCC 259 (2002) 1 SCC 234

11. Let us now consider the sections under which the offences have been alleged.

“354. Assault or criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

503. Criminal intimidation.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threats, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

506. Punishment for criminal intimidation.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

12. A bare perusal of Section 354, IPC reveals that for it to apply, the offence must be committed against a woman; criminal force must be applied against her; and such application of force must be with the intent to outrage her modesty. [See: *Raju Pandurang Mahale v. State of Maharashtra*¹⁰] (2004) 4 SCC 371 12.1 Criminal force is defined in Section 350 IPC¹¹, however, what exactly does modesty means, which is an essential aspect for this Section to apply, has not been defined so as to constitute an offence u/s 354 IPC. Any discussion on this Section is incomplete without reference to *Rupan Deol Bajaj* (supra) wherein the Learned Judges observed:

“14. Since the word ‘modesty’ has not been defined in the Penal Code, 1860 we may profitably look into its dictionary meaning. According to Shorter Oxford English Dictionary (3rd Edn.) modesty is the quality of being modest and in relation to woman means “womanly propriety of behaviour; scrupulous chastity of thought, speech and conduct”. The word ‘modest’ in relation to woman is defined in the above dictionary as “decorous in manner and conduct; not forward or lewd; shamefast”. Webster's Third New International Dictionary of the English Language defines modesty as “freedom from coarseness, indelicacy or indecency; a regard for propriety in dress, speech or conduct”. In the Oxford English Dictionary (1933 Edn.) the meaning of the word ‘modesty’ is given as “womanly propriety of behaviour; scrupulous chastity of thought, speech and conduct (in man or woman); reserve or sense of shame proceeding from instinctive aversion to impure or coarse suggestions”.

15. ... From the above dictionary meaning of ‘modesty’ and the interpretation given to that word by this Court in *Major Singh* case [AIR 1967 SC 63 : 1967 Cri LJ 1 : 1966 Supp SCR 286] it appears to us that the ultimate test for ascertaining whether modesty has been outraged is the action of the offender such as could be perceived as one which is capable of shocking the sense of decency of a woman ...” 12.2 While we hold the above observations as also the discussion made in *Major Singh* (supra) in the highest esteem and regard, it must not escape us that the observations were made in the societal context and milieu of that time and its import today should be interpreted in our present context.

350. Criminal force.—Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Reference in this regard may be made to observations by Bhat, J in *Attorney General v. Satish*¹², “66. ... These require an element of application of physical force, to women. The expression “modesty” was another limitation as older decisions show that such a state was associated with decorousness [*Rupan Deol Bajaj v. Kanwar Pal Singh Gill*, (1995) 6 SCC 194 : 1995 SCC (Cri) 1059] of women. This added a dimension of patriarchy and class. [Section 354 (or any other provision of IPC) does not offer a statutory definition of the term “modesty”, and over time, was interpreted

broadly, contemporaneously with the developing and acknowledged role of women in society, to overcome its inherently colonial and patriarchal origins. ... One cannot be unmindful of the circumstances in which these provisions were enacted by a colonial power, at a time, when women's agency itself was unacknowledged, or had limited recognition. Further, women in India were traditionally—during the time of enactment of IPC, in the mid- Nineteenth Century—subordinated to the care of their fathers, or their husbands, or other male relatives. They had no share in immovable property; notions of gender equality were unheard of, or not permitted. Women had no right to vote. Quite naturally, the dignity of women— or indeed their autonomy, was not provided for.

67. The advent of the Constitution of India revolutionised—at least in law, all that. Regardless of gender, race, caste, religion or region, or all of the acknowledged sectarian and discrimination enabling barriers, everyone enjoyed equality of law, and equal protection of law (Article

14). Further, the provision in Article 15(1) proscribed discrimination by the State (in all its forms) on various grounds, including gender. Article 15(3) enabled the State to enact special provisions for women and children.” 12.3 Turning to the facts of the instant case, keeping in view the contents of the FIR, the statement in the final report of the investigating officer, and the statement u/s 164 CrPC of the complainant, we are of the view that even prima facie the ingredients as referred to supra, are not met. The record is silent with respect to the use of any force, apart from bald assertions of mental and physical discomfort caused to the complainant by the appellant. (2022) 5 SCC 545 12.4 It is well settled that for mens rea to be established, something better than vague statements must be produced before the court. As evidenced by the annexures referred to above, i.e. the FIR, the preliminary investigation report as also the concluding portion of the chargesheet, no direct allegation nor any evidence in support thereof can be found attributing intent to the appellant. It cannot be said, then, that a case u/s 354 IPC is made out against the appellant.

13. Let us now examine the next charge for which the appellant stands accused. For an offence u/s 503 to be established, it must be shown that:- (1) Threatening a person with any injury; (i) to his person, reputation or property; or (ii) to the person, or reputation of anyone in whom that person is interested. (2) Such threat must be intentional; (i) to cause alarm to that person; or (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat. Punishment for this offence is prescribed u/s 506 IPC, which is two years or with a fine or both, as applicable to this case.

13.1 Manik Taneja v. State of Karnataka¹³ as affirmed by a bench of three judges in Parminder Kaur v. State of Punjab¹⁴, records the principle of application of Section 506, IPC in the following terms: – (2015) 7 SCC 423 (2020) 8 SCC 811 “11....A reading of the definition of “criminal intimidation” would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

13. ...It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of “criminal intimidation”. The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant....” 13.2 A recent judgment of this court, *Sharif Ahmed v. State of U.P.*¹⁵ held as under: -

“38. An offence of criminal intimidation arises when the accused intended to cause alarm to the victim, though it does not matter whether the victim is alarmed or not. The intention of the accused to cause alarm must be established by bringing evidence on record. The word ‘intimidate’ means to make timid or fearful, especially : to compel or deter by or as if by threats. The threat communicated or uttered by the person named in the chargesheet as an accused, should be uttered and communicated by the said person to threaten the victim for the purpose of influencing her mind. The word ‘threat’ refers to the intent to inflict punishment, loss or pain on the other. Injury involves doing an illegal act.” This judgment also, with reference to *Manik Taneja* (supra), underscored the importance of material and evidence being placed on record to demonstrate intention. A mere statement without intention would not attract the offence.

13.3 What flows from the judgments referred is that for an offence of criminal intimidation to be prima facie established, the intention should be 2024 SCC OnLine SC 726 clearly visible, and the same is to be established by evidence on record.

Granted that at this stage, evidence on record is not the standard to be applied since the trial is underway, but at least the results of the investigation and the material gathered thereunder, which is on record, should disclose somewhat of an offence. The FIR, interim investigation report and the chargesheet, reproduced above, do not disclose any offence having been committed by the appellant herein.

14. During oral submissions, it was urged that the statements u/s 161 and 164 CrPC, when read collectively, do indeed disclose an offence having been committed by the appellant. This was in response to the submission on behalf of the appellant that, on the face of it no offence is made out against him. We find it difficult to accept the submission on behalf of the complainant. The position of law in regard to the admissibility of these statements is settled. We may refer to *State of Maharashtra v. Maroti*¹⁶ (authored by one of us, Hon. C.T Ravikumar J.) wherein the Court held-

“23. In the decision in *Rajeev Kourav v. Baisahab* [*Rajeev Kourav v. Baisahab*, (2020) 3 SCC 317 : (2020) 2 SCC (Cri) 51], a two-Judge Bench of this Court dealt with question as to the matters that could be considered by the High Court in quashment proceedings under Section 482CrPC. It was held therein that statements of witnesses recorded under Section 161CrPC being wholly inadmissible in evidence could not be taken into consideration by the Court while adjudicating a petition filed under Section 482CrPC. In that case, this Court took note of the fact that the High Court was aware

that one of the witnesses mentioned that the deceased victim had informed him about the harassment by the accused, which she was not able to bear and hence wanted to commit suicide. Finding that the conclusion of the High Court to quash the criminal proceedings in that case was on the basis of its assessment of the statements recorded under Section (2023) 4 SCC 298 161CrPC, it was held that statements thereunder, being wholly inadmissible in evidence could not have been taken into consideration by the Court while adjudicating a petition filed under Section 482CrPC. It was also held that the High Court committed an error in quashing the proceedings by assessing the statements recorded under Section 161CrPC.

24. There can be no dispute with respect to the position that statements recorded under Section 161CrPC are inadmissible in evidence and its use is limited for the purposes as provided under Sections 145 and 157 of the Evidence Act, 1872. As a matter of fact, statement recorded under Section 164CrPC can also be used only for such purposes.”

15. Arguendo, accepting the submissions of the learned senior counsel appearing for the complainant, if examine the statements, both u/s 161 and 164 (the latter of which was handed to us in sealed cover) still, our conclusion that no prima facie offence is made out on the part of the appellant, does not change. For reference, the statement of the complainant u/s 161 is reproduced below: – “The statement under section 161 of the Criminal Procedure Code (CrPC) was given by Pooja Tankha complainant on September 4, 2019. She stated that she held the position of Director in Laj IDS Export Company. My partners were R K Aneja and Naresh Aneja, whose office was located in Sector 63, Noida, at 208. Whenever I worked in the office, R K Aneja would come to my office and subject me to physical harassment, touching her from various places without her consent. He did not heed her refusal. I couldn’t explicitly state where all he touched me against my will. Concerned about this, when I opposed R K Aneja and went to the police Station to file a report. However, I was told that since I have only one son and live alone I should consider my situation and that Naresh Aneja was mentally harassing me. Once, when I was working in that office, Chaman Lal and the pantry boy, Ashish alias Pawan saved me from the indecent actions of R.K Aneja. This incident took place on September 4, 2019.

Sd/-

04.09.2019”

16. This Court has on numerous occasions considered the power of the High Courts to quash criminal proceedings u/s 482 CrPC. The scope thereof, therefore, does not require us to devote substantive portions of this judgment thereto. Only for the purposes of immediate reference, we take notice of a few pronouncements in this regard, other than *State of Haryana v. Bhajan Lal*¹⁷, which is recognised as the locus classicus on the issue.

16.1 This Court’s judgment in *Indian Oil Corporation v. NEPC India Ltd.*¹⁸ culled out the following principles:-

(i) A complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not. (1992) Suppl (1) SCC 335 (2006) 6 SCC 736 16.2 The scope of this power is best remembered in the words of Y.V Chandrachud J. (as his Lordship then was) writing for the Court in *State of Karnataka v. L. Muniswamy*¹⁹ wherein it was observed:-

“7... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to laws made by the

legislature. The compelling necessity for making these observations is that without a proper realisation of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction.” 16.3 Other judgments of this Court in State of A.P. v. Aravapally Venkanna²⁰; Neeharika Infrastructure (P) Ltd. v. State of Maharashtra²¹;

Sachin Garg v. State of U.P.²²; Vishal Noble Singh v. State of U.P.²³ may also be seen in this context.

17. Having regard to the judgments above, we are of the view that the sum total of the circumstances, submissions and documents on record, considered supra, do not point to appellant (Naresh Aneja) having committed any offence against the complainant. In that view of the matter, the impugned judgement of the High (1977) 2 SCC 699 (2009) 13 SCC 443 (2021) 19 SCC 401 2024 SCC OnLine SC 82 2024 SCC OnLine SC 1680 Court of Judicature at Allahabad passed in Application u/s 482 No. 18712 of 2020 is set aside. Ex consequenti, criminal proceedings arising out of FIR No. 1074 of 2019 are quashed qua the present appellant.

18. The appeal is allowed. It is clarified that the observations here are restricted only to the present Appellant, and no view whatsoever has been expressed in respect of R.K Aneja, regarding whom the law will continue on its course.

Pending applications, if any, shall stand closed.

.....J. (C.T. RAVIKUMAR)J. (SANJAY KAROL) January 2, 2025;

New Delhi