



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 13<sup>th</sup> OF FEBRUARY, 2026

MISC. CRIMINAL CASE No. 978 of 2026

*PANKAJ MISHRA*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Ajay Pal Singh - Advocate for the petitioner through V.C. with  
Shri Shashank Shrivastava - Advocate for the petitioner present in the Court.*

*Shri Swatantra Pandey -PL for the respondent/State.*

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ORDER

This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973) seeking quashment of FIR in Crime No. 72/2025 registered at Police Station Baikunthpur, District Rewa for the offences punishable under Sections 74, 75(1)(i) and 296 of the Bharatiya Nyaya Sanhita, 2023.

2. As per the prosecution case, on 20.02.2025 the complainant was travelling in a bus from Nagma to Rewa. It is alleged that the petitioner, who was also travelling in the same bus, started touching the complainant with his feet. Upon objection, he allegedly caught hold of her hand, touched her body parts, abused her and misbehaved with her, resulting in breakage of her bangles. On the basis of her report, the aforesaid FIR was registered.



3. Learned counsel for the petitioner submits that the petitioner is a Central Government employee and has been falsely implicated due to animosity and abuse of political influence. The investigation has not been conducted in a fair and impartial manner. The ingredients of the alleged offences are not made out from the material collected during investigation. The petitioner is also entitled to protection under Section 218 of BNSS, 2023. He prays to allow the petition.

4. Learned Panel Lawyer opposed the petition and submitted that the FIR and the statements recorded during investigation disclose commission of cognizable offences and therefore, no case for quashment of F.I.R is made out.

5. Heard the submissions and perused the FIR and the case diary.

6. It is not in dispute that the alleged incident took place in a public bus which, as per the material on record, was heavily crowded. In such a situation, incidental physical contact between passengers cannot be said to be unnatural. The case diary reveals that statements of three passengers have been recorded; however, admittedly, the statements of the bus driver and conductor have not been recorded, though the FIR specifically mentions that the conductor intervened during the alleged incident. The omission to examine the most material independent witnesses, particularly when they were present at the spot, creates serious doubt about the prosecution version.

7. It is further noteworthy that, although the complainant has alleged that in the course of the incident the petitioner forcibly caught hold her hand resulting in the breakage of her bangles but the medical examination report



does not disclose any such injury, abrasion, swelling, redness, or even superficial marks on the wrist or hand of the complainant. Ordinarily, if sufficient force had been applied so as to cause breakage of bangles during a physical scuffle, some corresponding sign of impact or trauma would reasonably be expected to be present. The complete absence of any such medical corroboration materially weakens the prosecution version. While it is true that every allegation of assault may not necessarily result in visible injury, the inconsistency between the narrative of forceful physical contact and the unremarkable medical findings assumes significance in the overall evaluation of prima facie credibility. This incongruity, when viewed in conjunction with the surrounding circumstances, renders the allegation doubtful and unworthy of continuation in criminal prosecution.

8. From the material collected during investigation, no specific or consistent allegation supported by independent evidence is available to prima facie establish the essential ingredients of the offences punishable under Sections 74, 75(1)(i) and 296 of the Bharatiya Nyaya Sanhita, 2023. The allegations, in the factual matrix of a crowded public bus, appear to be general and lacking in corroboration.

9. So far as the contention regarding protection under Section 218 of BNSS, 2023 is concerned, this Court finds that the alleged act was not committed in discharge of official duty. Therefore, the petitioner is not entitled to protection under Section 218 of BNSS. However, even on merits, the material on record does not disclose commission of the alleged offences.

10. The Court cannot remain oblivious to the growing tendency of



invoking serious penal provisions as instruments of retaliation in matters arising out of trivial or personal discord, wholly divorced from the true import and object of such enactments. Criminal law, particularly provisions designed to safeguard the dignity and bodily autonomy of women, is a solemn legislative trust meant to redress genuine grievances and deter real transgressions; it is not intended to be wielded as a weapon to settle scores, gratify wounded pride, or exert undue pressure. When allegations of grave nature are lightly or recklessly levelled without foundational substance, the consequences are not confined to the precincts of the courtroom. An innocent person may be exposed to irreparable harm *viz.* loss of career, social standing, personal dignity, and the stigma of scandal that lingers far beyond the culmination of trial. The majesty of criminal jurisprudence rests upon fairness, restraint and responsibility; its misuse corrodes public confidence and undermines the very cause it seeks to advance. Courts, therefore, must be vigilant to ensure that the process of law does not itself become an instrument of injustice.

11. The inherent power under Section 528 of BNSS is to be exercised to prevent abuse of the process of law and to secure the ends of justice. In the present case, continuation of criminal proceedings against the petitioner, in absence of sufficient material constituting the offences alleged, would amount to abuse of process of law.

12. Accordingly, the petition is **allowed**. The FIR registered at Crime No.72/2025 at Police Station Baikunthpur, District Rewa for the offences punishable under Sections 74, 75(1)(i) and 296 of the Bharatiya Nyaya



Sanhita, 2023, and all consequential proceedings arising therefrom, are hereby quashed.

13. No order as to costs.

(HIMANSHU JOSHI)  
JUDGE

Jasleen

Shoneek Kapoor.com