

Mahmood Ali v. State of UP, (2023-2)210 PLR 631 (SC)

- When an accused invokes the inherent powers under section 482 of the CrPC or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed, the court owes a duty to look into the FIR with care and a little more closely.
- The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence.
- **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 in between the lines.**
- The Court while exercising its jurisdiction under section 482 of the CrPC, 1973 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.
- **The court should not restrict itself only to 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.**
- The court has a very limited jurisdiction at the stage of discharge or while exercising its powers under Section 482 of CrPC.
- The court can quash an FIR if the accusations made against the accused are frivolous and made with malafied intentions.
- Filing vexatious litigation is considered an abuse of the judicial process and may result in sanctions against the offender.
- The High Courts have the power to issue writs, including writs in the form of habeas corpus, mandamus, prohibition, quo warranto, certiorari, or any of them, to any person or authority, including the government.
- The Code of Criminal Procedure, 1973, which is titled 'Inherent powers of the Court,' contains Section 482, which declares the high courts' inherent powers.
- The court can read in between the lines while considering a plea to quash FIR.
- **(2023-2)210 PLR 631 (SC)**
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