



2026 INSC 916

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
[EXTRAORDINARY APPELLATE JURISDICTION]**

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO.34216/2026

KAILASH RAM

PETITIONER

VERSUS

STATE OF RAJASTHAN & ANR. ETC.

RESPONDENTS

WITH

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO.34226/2026

KAILASH RAM

PETITIONER

VERSUS

STATE OF RAJASTHAN & OTHERS ETC.

RESPONDENTS

O R D E R

AHSANUDDIN AMANULLAH AND R. MAHADEVAN, JJ.

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO.34216/2026

Heard Mr. Gopal Sankaranarayanan, learned senior counsel, appearing for the petitioner.

2. Delay(s) in filing and re-filing/curing defects is condoned; IAs No.224548/2026 and 224549/2026 are, accordingly, allowed. Exemption from filing Official Translation is granted; IA No.224547 is allowed. Permission to file lengthy List of Dates is also granted; IA No.224546/2026 stands allowed.

3. The instant petition(s) challenge the common Final Order and Judgment dated 11.12.2025 passed by the High Court of Judicature

for Rajasthan, Jaipur Bench¹ in S. B. Criminal Miscellaneous Petitions No.915/2025 and 2669/2025 [**2025:RJ-JP:51169**], whereby the petitions filed by the petitioner, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023², seeking quashing of First Information Reports³ No.35/2025 (registered at Police Station Railway Colony, Kota City dated 27.01.2025), and 104/2025 (registered at Police Station Gumanpura, District Kota City dated 15.02.2025), came to be dismissed, by a learned Single Judge of that High Court.

4. Learned senior counsel appearing for the petitioner addressed the Court purely on the legal issue, as to whether the FIRs *supra*, fell within the settled parameters under which a Court could interfere and quash criminal proceedings. Specific reliance was placed on the judgment of this Court in ***State of Haryana v Bhajan Lal, 1992 Supp (1) SCC 335***, particularly Paragraph no.102 thereof.

4.1. It was submitted that the FIRs in question were actuated by *mala fides* and had been instituted with a malicious intent, as the petitioner along with one associate, had lodged a criminal complaint seeking initiation of proceedings against persons allegedly involved in human trafficking, including influential persons who, by misusing their official position/position of power, were preventing a proper investigation into the whole matter. It was further submitted that soon thereafter, the petitioner and his associate/colleague, who actually lodged the criminal complaint before the police, came to be implicated in multiple criminal cases, *inter alia*, including the two FIRs herein.

4.2. It was submitted that subsequently, the associate of the petitioner, who was the signatory on the original criminal complaint, succumbed to the pressure exerted by the accused in that complaint, and withdrew the criminal complaint. It was further contended that the police ultimately found the allegations against the petitioner and his

¹ Hereinafter referred to as the 'High Court'.

² Abbreviated to 'BNSS'.

³ Abbreviated to 'FIRs'.

associate to be mistake of fact and proposed to submit a Final Closure Report. However, submitted the learned senior counsel, the said proceedings have not yet been closed.

4.3. According to learned senior counsel, once the police had itself found that the allegation(s) were a mistake of fact, it was incumbent upon the Court to quash the FIR(s), as continuation thereof would amount to an abuse of the process of law and would clearly indicate that the proceedings had been instituted maliciously to wreak vengeance upon the petitioner and his associate for the proactive role played by them.

4.4. It was further submitted that the sequence of events disclosed serious circumstances warranting interference by this Court and that, at every stage, the petitioner had sought a full-fledged inquiry into allegations of a serious nature, against highly influential persons. Learned senior counsel ultimately contended that the High Court ought not to have declined to exercise its jurisdiction merely on the ground that the police had proposed to/submitted a Final Report before the concerned Court below.

5. We have bestowed anxious consideration to the matter from various angles. We are not inclined to go into the merits of the factual controversy, as we find that the Impugned Order does not, in fact, prejudice the petitioner. Once the police, as learned senior counsel pointed out, has opined that the allegations are founded upon a mistake of fact and proposed to submit a Final Report in terms accordingly, it would now fall for the concerned Court below to proceed strictly in accordance with law.

6. Thus, on such short point alone, in these facts and circumstances, we do not find any good reason to interfere with the order impugned passed by the High Court, despite the valiant efforts of learned senior counsel.

7. Accordingly, the Special Leave Petition(s) stand disposed of with

the observations afore-made.

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO.34226/2026:

Heard Mr. S. Nagamuthu, learned senior counsel, representing the petitioner.

2. Permission to file Special Leave Petition(s) is granted; IA No.224530/2026 is disposed of.

3. Delay(s) condoned; IA Nos.224529/2026 and 224531/2026 are allowed.

4. The present petition(s) challenge Order dated 06.11.2025 passed by the High Court in S. B. Criminal Miscellaneous Petition No.2703/2025 [**2025:RJ-JP:44573**] and Judgment dated 12.11.2025 in S. B. Criminal Miscellaneous Petition No.7209/2025 [**2025:RJ-JP:45514**], whereby prayer(s) of the petitioner seeking to maintain the complaint cases filed by the original complainant, despite the said complaints having been permitted to be withdrawn and the matters closed by the Trial Court, was rejected by two learned Single Judges of the High Court, *vide* the Impugned Order and Impugned Judgment, respectively.

5. Learned senior counsel appearing for the petitioner submitted that this Court ought not to examine the Impugned Order and the Impugned Judgment from a purely technical perspective, inasmuch as the basic substance of the complaint(s) filed by an associate of the petitioner related to an issue which, according to him, the Court could not shut its eyes to, namely, the alleged human trafficking, involving children.

5.1. It was submitted that the complaint(s) lodged by the colleague of the petitioner was sufficient not only to warrant full-fledged inquiry but serious enough for the authorities concerned to constitute a Special Investigation Team. It was further submitted that the

petitioner's colleague, who was the original complainant, appears, for some reason, to have been compelled to withdraw the criminal complaint(s), though there was no occasion for him to do so and it was the police which was required to act in accordance with law.

5.2. It was further contended that once the High Court at an earlier stage, had directed registration of an FIR and investigation by police, the complaint case *per se* could not have been withdrawn, as it stood superseded by the subsequent direction of the High Court, at an interlocutory stage.

5.3. Learned senior counsel contended that the High Court had failed to properly appreciate the question of *locus* in the matter. According to him, when a criminal matter, particularly one involving allegations of the nature herein, came to the notice of any person, including a member of civil society, such person has a right, *nay* a duty, to bring the same to the notice of the authorities, whereafter it is the responsibility and duty of the authorities to proceed with investigation and allied steps, with due promptitude.

5.4. It was contended that if the Impugned Order and the Impugned Judgment were permitted to stand, not only would a matter of public concern be brought to an end, but the future and welfare of two young children would also be placed at peril, as, according to learned senior counsel, they were victims of human trafficking.

5.5. Learned senior counsel ultimately submitted that there was no provision under the BNSS permitting withdrawal of a complaint, which was essentially information placed before the authorities for appropriate action.

6. We have considered the submissions of learned senior counsel and have deliberated upon the issue(s) raised in some depth. On the strength of the facts, and despite the persuasive efforts of learned senior counsel, we are not convinced about the *bona fides* of the petitioner.

7. At the outset, according to the petitioner himself, the underlying matter concerns allegations of human trafficking of twin siblings. The said complaint was founded on a birth certificate stated to have been issued in the year 2019. However, the first complaint was lodged by the petitioner's colleague only in January, 2025, i.e., after a lapse of almost six years.

8. Another glaring circumstance, and which does not escape our attention, is that if the intention was really sincere, details regarding the entire (alleged) *modus operandi* as also the persons allegedly involved, could not, in the ordinary course, have been within the knowledge of the original complainant or the petitioner, particularly when the allegations were made against persons, who were not in control over or custody of the allegedly trafficked children.

9. If the complaint was really public-spirited, it would have, at the first instance, been directed against person(s) in whose premises the twin siblings were found. Of course, other relevant aspects could thereafter have unfolded during investigation. However, *ab initio*, allegations of serious criminality, including trafficking, were levelled against several others. In our opinion, this circumstance is indicative of a targeted approach on the part of the petitioner and his colleague.

10. Another aspect which requires to be noticed at this stage is that at no point of time, did the petitioner himself participate in the complaint case(s) by filing any petition(s). The stand now taken is that both the petitioner and his colleague were acting in concert for a public cause, whereas it was only the petitioner's colleague, namely Mr. Shekhar Mewara, who was the complainant. The petitioner was never a signatory to any complaint to any authority.

11. However, to be fair to the learned senior counsel, the petitioner had approached this Court under Article 32 of the Constitution of India, seeking expeditious disposal of the complaint filed by the said Mr. Shekhar Mewara⁴.

⁴ Reference is to Writ Petition (Criminal) No.355/2025, which was withdrawn 'with liberty to take such steps as

12. Be that as it may, having regard to the overall factual scenario and the legal position, we do not find this to be a case warranting interference. We also do not find any infirmity in the Order or the Judgment impugned. In terms of the same, all action taken pursuant to the complaint(s), including on account of orders passed in proceedings arising therefrom, shall stand closed.

13. In view of the circumstances noticed above, particularly the manner in which the proceedings were pursued and the absence of *bona fide* on the petitioner's part, we are of the view that the present proceedings are itself an abuse of the process of law. Therefore, the petitioner ought to be saddled with costs.

14. Accordingly, the Special Leave Petition(s) stand dismissed with costs of Rs.25,000/- (Rupees Twenty-Five Thousand Only) imposed upon the petitioner, to be deposited with the Rajasthan State Legal Services Authority within a period of four weeks.

15. Pending IAs stand disposed of.

16. Upon retiring to Chambers, we re-considered and deliberated. With a view to temper justice with mercy, it is in the fitness of things to refrain from saddling the petitioner with costs. We would, thus, order accordingly.

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[AHSANUDDIN AMANULLAH, J.]

.....
[R. MAHADEVAN, J.]

NEW DELHI
13TH AUGUST, 2026.

are permissible under the law.'