



**REPORTABLE**  
**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO(S). \_\_\_\_\_ OF 2026**  
(Arising out of SLP(Crl.) No(s). 19369 of 2025)

**ASHISH DAVE** **....APPELLANT(S)**

**VERSUS**

**THE STATE OF RAJASTHAN**  
**AND ANOTHER** **....RESPONDENT(S)**

**O R D E R**

**Mehta, J.**

1. Heard.
2. Leave granted.
3. Facts giving rise to the instant appeal by special leave present a glaring example of an influential media house managing to get an FIR registered against one of its own executives after a fall-out with the management and that too with vague, speculative, and baseless allegations.
4. The appellant before us, Ashish Dave, was serving as the Channel Head of a well-known media

house by name of Zee Rajasthan and Zee 24 Ghanta (West Bengal). The said media house is owned by a company named Zee Media Corporation Limited (ZMCL)<sup>1</sup>. It appears that relations between the media house and the appellant herein ran into choppy waters in the year 2025, pursuant to which the authorised representative of the company approached Police Station Ashok Nagar, District Jaipur City (South), Rajasthan with a complaint, which straightaway came to be registered as FIR No.257 of 2025 dated 4<sup>th</sup> September, 2025 for the offences punishable under Sections 308(2), 318(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023<sup>2</sup> (corresponding to Sections 384, 420, and 506 of the Indian Penal Code, 1860<sup>3</sup> respectively).

**5.** The complaint is extracted hereinbelow for the sake of ready reference: -

“We, Zee Media Corporation Limited (ZMCL/ Company) having our Regional office at E-151 Ramesh Marg, -Scheme, Jaipur 302001, through our authorized representative Mr. Sanju Raju, hereby file this criminal complaint against Ashish Dave s/o Sri Mohan Chandra Nagar resident of 33,

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<sup>1</sup> Hereinafter, referred to as the “complainant-company”.

<sup>2</sup> For short, ‘BNS’.

<sup>3</sup> For short, ‘IPC’.

Durga Vihar Colony, Opposite Ram Mandir, Tonk Road, Jaipur, Rajasthan, who was employed with the company in the capacity of Channel Head - Zee Rajasthan Zee 24 Ghanta working at our Jaipur office. Ashish Dave has been associated with the company since 21.03.2023 and held a senior position overseeing editorial and operational decisions. This complaint is being made on the basis of internal findings and multiple complaints received by the Company, indicating a pattern of unauthorized financial dealings, abuse of authority, and acts done with malafide intent to damage the reputation of the company. The Company has received reports indicating that Ashish Dave has misrepresented his authority and using the name of the Company to engage with external businesses in an unethical and coercive manner. These communications suggest that Mr. Dave purportedly demanded monetary favours from various vendors and entities under the threat of broadcasting negative or damaging news content on the channels owned and operated by the Company. It has recently come to the knowledge of the Company, through multiple third-party complaints and communications, that he has allegedly abused his position and misused the Company's brand and media platform to pursue personal motives and exert undue pressure on external parties. It is specifically stated that Ashish Dave used the Company's news channels to broadcast negative, threatening, or defamatory content in an attempt to pressure others into complying with his personal demands. Pursuant to these threats, negative content has been aired and circulated through the Company's channels and associated digital platforms, thereby

misrepresenting that such broadcasts were authorized and sanctioned by the Company. The Company categorically denies having authorized or endorsed any such actions, and affirms that such alleged conduct, if proven, is entirely personal in nature and in abuse of the authority and resources of the Company. These acts constitute a gross criminal misuse of the Company's platform and have caused irreparable harm to the Company's credibility, integrity, and reputation in the public domain. All complaints, communications, and supporting materials received in this regard have been compiled and are enclosed herein as Annexure A. These actions, in addition to the misuse of the platform noted above, have collectively resulted in substantial and irreparable harm to the Company's goodwill and standing in the industry. These acts by the accused, Ashish Dave, have resulted in substantial and irreparable harm to the Company's reputation, credibility, and goodwill in the industry. In view of the above-mentioned facts, we respectfully request that an FIR be registered under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023, and any other applicable laws, to initiate a thorough investigation into the financial and reputational harm caused, and to take appropriate legal action against Ashish Dave and any other individual responsible for these acts."

**6.** A bare perusal of the complaint/FIR would reveal that the allegations set out therein are absolutely vague, and no prudent person can perceive therefrom that the same discloses the

necessary ingredients of any cognizable offence whatsoever.

**7.** The complaint, though expositing expansive allegations of unauthorised financial dealings, multiple complaints allegedly received by the complainant-company, abuse of authority, acts done with *mala fide* intent to damage the reputation of the company, misrepresentation of authority and so also of engagement with external businesses in an unethical and coercive manner by the appellant-Ashish Dave, does not refer to even a single victim's name or any particular incident which could give rise to a *prima facie* satisfaction of any criminal act having been committed by the appellant.

**8.** We are indeed surprised to note that the officials of Police Station Ashok Nagar, Jaipur City (South), acting with unusual expediency, accepted the said complaint and, without even making a bare attempt to verify the allegations made therein by semblance of a preliminary enquiry, straightaway proceeded to register the FIR for grave offences.

**9.** Be that as it may, the appellant filed the captioned petition under Section 528 of the Bharatiya

Nagarik Suraksha Sanhita, 2023<sup>4</sup> (corresponding to Section 482 Code of Criminal Procedure, 1973<sup>5</sup>) before the Rajasthan High Court, Bench at Jaipur<sup>6</sup>, seeking quashing of the FIR.

**10.** Specific averments were made in paragraph 3 of the petition to the effect that the FIR had been lodged by the company out of enmity and with the sole intent to harass the appellant with an ulterior motive. The allegations levelled against the appellant were stated to be totally false, concocted, vague and baseless and that no incident as alleged in the complaint had ever taken place. It was further averred in paragraph 4 of the petition that a letter dated 4<sup>th</sup> September, 2025 had been issued by the complainant-company terminating the appellant from employment with immediate effect.

**11.** The learned Single Judge of the High Court proceeded to reject the aforesaid petition for quashing of the FIR *vide* order dated 26<sup>th</sup> November, 2025, which is subject matter of challenge in the present appeal by special leave.

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<sup>4</sup> For short, 'BNSS'.

<sup>5</sup> For short, 'CrPC'.

<sup>6</sup> Hereinafter, referred to as the "High Court".

**12.** We have heard and considered the submissions advanced by Mr. Siddharth Aggarwal, learned senior counsel along with Ms. Rukhmini Bobde, learned counsel appearing for the appellant, and Mr. S.D. Sanjay, learned ASG for the State, as well as Mr. Sanjay Jain, learned senior counsel representing respondent No. 2-complainant. We have carefully gone through the impugned FIR and the order dated 26<sup>th</sup> November, 2025, whereby the quashing petition filed by the appellant came to be rejected.

**13.** We are convinced that the complaint reproduced *supra, ex facie*, discloses no material whatsoever warranting registration of a First Information Report.

**14.** The exhaustive narrative set out in the complaint is nothing but a fictional story woven meticulously on vague and speculative allegations so as to give it a cloak of grave criminal offences attributed to the appellant. However, the complaint read in its entirety is bereft of even a semblance of allegation laying the foundation for these allegations. The High Court, while rejecting the quashing petition, referred to various judgments of this Court and thereafter concluded that the powers of the Court

under Section 528 BNSS, at the stage of quashing of an FIR, could not be utilised to conduct a mini-trial.

**15.** It was observed that it was not necessary to enter into the factual arena to adjudge the correctness of the allegations made in the complaint. With the aforesaid observations, the High Court concluded that the argument advanced on behalf of the appellant that mere levelling of allegations does not constitute cognizable offences was not fit to be accepted. Accordingly, the quashing petition came to be dismissed.

**16.** We feel that the pertinent plea raised by the appellant in the quashing petition regarding the FIR being bereft of particulars and based on vague and uncertain allegations merited consideration by the High Court. The law is well settled that even though an FIR need not be an encyclopaedia, it must undoubtedly contain the basic facts and allegations constituting the commission of cognizable offence(s). In the present case, since the complainant-company was a reputed media house, the onus was greater upon it to clearly set out the relevant details and material particulars *prima facie* establishing the alleged criminal acts attributed to the appellant.

**17.** We are constrained to observe that had it been an ordinary citizen who had approached the police with a complaint containing such vague allegations, the FIR would never have been registered. However, the alacrity with which the officials of Police Station Ashok Nagar proceeded to entertain the complaint of respondent No. 2-complainant-company and registered the FIR speaks volumes about the influence which the complainant wields.

**18.** We may further add that even in the counter-affidavit filed by the State of Rajasthan, there is no reference to any particular individual(s) who had been subjected to any of the alleged offences, i.e., extortion, cheating or intimidation, at the hands of the appellant. Likewise, the affidavit is totally silent about any incident which could give rise to an inference of cognizable offence having been committed. The averments set out in the counter affidavit are as vague as those contained in the impugned FIR.

**19.** A bare perusal of the FIR makes it clear that the same is absolutely bereft of particulars and the allegations levelled therein are so absurd, vague and inherently improbable that no prudent person could

reach to a logical conclusion that there exists *prima facie* material for proceeding against the accused-appellant. The allegations, even if accepted at their face value, would merely lead the investigating agency on a wild goose chase without there being any pith and substance therein. The bald allegations of unauthorised financial dealings, abuse of authority, and acts done with *mala fide* intent to damage the reputation of the complainant-company, *ex facie*, do not give rise to any cognizable offence. The allegation that the appellant misrepresented his authority by using the name of the complainant-company to engage with external businesses in an unethical or coercive manner may give rise to civil liability, but definitely not those under the Bharatiya Nyaya Sanhita, 2023.

**20.** The allegation that the appellant demanded monetary favours from vendors under the threat of broadcasting negative or damaging news would have to be supported by specific names and instances if, at all, the same were to be treated as cognizable offences. The allegation that the appellant used the complainant-company's news channel to broadcast negative, threatening or defamatory content has not

been supported by reference to any such particular news item broadcast on the channel of the company.

**21.** It rather appears to us that some negative news reports might have been broadcast on the complainant-company's channel, and the present complaint was lodged just in order to pre-empt any liability from falling on to the company by shifting the burden thereof onto the appellant in anticipation.

**22.** In the given facts, the least that was expected from the police officials was to either require the complainant-company to furnish supporting material and details to *prima facie* make out the allegations made in the FIR, or else to hold a preliminary inquiry before registering the formal FIR. This conclusion finds support from the following observations made by this Court in ***Lalita Kumari v. Govt. of U.P.***<sup>7</sup> : -

**“119.** Therefore, in view of various counterclaims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. **However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and**

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<sup>7</sup> (2014) 2 SCC 1.

**perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed....”**

[Emphasis supplied]

**23.** The new regime under the BNSS specifically deals with such situations and provides an additional safeguard where the complaint is for offences carrying punishment between three to seven years. Sub-section (3) of Section 173 BNSS empowers the officer in charge of a police station, with prior permission of a superior officer, to conduct a preliminary inquiry to ascertain whether there exists a *prima facie* case for proceeding in the matter where the alleged offence is punishable with imprisonment for a term between three and seven years. For ease of reference, Section 173 BNSS is reproduced hereinunder:

**“173. Information in cognizable cases.—(1)**

Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer in charge of a police station, and if given—

- (i) orally, it shall be reduced to writing by him or under his direction, and be

read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it;

(ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may by rules prescribe in this behalf:

Provided that if the information is given by the woman against whom an offence under Section 64, Section 65, Section 67, Section 70, Section 75, Section 78, Section 68, Section 71, Section 76, Section 79 or Section 66, Section 69, Section 74, Section 77, Section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that—

(a) in the event that the person against whom an offence under Section 64, Section 65, Section 66, Section 68, Section 71, Section 76, Section 69, Section 74, Section 77, Section 67, Section 70, Section 75, Section 78, Section 79 or Section 124 of the Bharatiya Nyaya Sanhita, 2023 is

alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Magistrate under clause (a) of sub-section (6) of Section 183 as soon as possible.

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant or the victim.

**(3) Without prejudice to the provisions contained in Section 175, on receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than seven years, the officer in charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence, —**

**(i) proceed to conduct preliminary enquiry to ascertain whether there exists a prima facie case for proceeding in the matter within a period of fourteen days; or**

**(ii) proceed with investigation when there exists a prima facie case.**

(4) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in subsection (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence failing which such aggrieved person may make an application to the Magistrate.”

[Emphasis supplied]

**24.** This provision was considered by this Court in ***Imran Pratapgadhi v. State of Gujarat***<sup>8</sup>, wherein

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<sup>8</sup> (2026) 1 SCC 721.

the scope of Section 173 BNSS has been explained as follows: -

**“23. Section 154 of the CrPC does not provide for making any preliminary inquiry. However, as held in the case of Lalita Kumari, a preliminary inquiry is permissible if the information received does not disclose a cognizable offence and indicates the necessity for an inquiry. A preliminary inquiry must be conducted only to ascertain whether a cognizable offence is disclosed. However, sub-Section (3) of Section 173 of the BNSS makes a significant departure from Section 154 of the CrPC. It provides that when information relating to the commission of a cognizable offence which is made punishable for 3 years or more but less than 7 years is received by an officer-in-charge of a police station, with the prior permission of a superior officer as mentioned therein, the police officer is empowered to conduct a preliminary inquiry to ascertain whether there exists a prima facie case for proceeding in the matter. However, under Section 154 of the CrPC, as held in the case of Lalita Kumari, only a limited preliminary inquiry is permissible to ascertain whether the information received discloses a cognizable offence. Moreover, a preliminary inquiry can be made under the CrPC only if the information does not disclose the commission of a cognizable offence but indicates the necessity for an inquiry. Sub-Section (3) of Section 173 of the BNSS is an exception to sub-Section (1) of Section 173. In the category of cases covered by sub-Section (3), a police officer is empowered to make a preliminary inquiry to ascertain whether**

**a prima facie case is made out for proceeding in the matter even if the information received discloses commission of any cognizable offence. That is very apparent as sub-Section (3) of Section 173 refers explicitly to receiving information relating to the commission of a cognizable offence. Therefore, in a case where sub-Section (3) of Section 173 is applicable, even if the information pertaining to the commission of any cognizable offence is received, an inquiry can be conducted to ascertain whether a prima facie case exists for proceeding in the matter. The intention appears to be to prevent the registration of FIRs in frivolous cases where punishment is up to 7 years, even if the information discloses the commission of the cognizable offence. However, under Section 154 of the CrPC, the inquiry permitted by paragraph 120.2 of the decision in the case of Lalita Kumari is limited only to ascertain whether the cognizable offence is disclosed.**

24. Under sub-Section (3) of Section 173 of the BNSS, after holding a preliminary inquiry, if the officer comes to a conclusion that a prima facie case exists to proceed, he should immediately register an FIR and proceed to investigate. But, if he is of the view that a prima facie case is not made out to proceed, he should immediately inform the first informant/complainant so that he can avail a remedy under sub-Section (4) of Section 173.

**25. Before we go into the applicability of sub-Section (3) of Section 173 of the BNSS to the facts of the case, we must deal with sub-Section (1) of Section 173. Take a case where a person**

approaches an officer-in-charge of a police station either personally or by electronic communication and alleges that he has seen 'A' assaulting 'X' with a stick. If the injury caused is simple, it will be an offence punishable under Section 115 (2) of the BNS. As per the first Schedule of the BNSS, it is a non-cognizable offence. Therefore, based on such information, FIR cannot be registered. If grievous hurt is caused, it will be an offence punishable under Section 117 (2) of the BNS, which is a cognizable offence. Therefore, the allegations made in the information furnished to an officer-in-charge of a police station must be examined by the officer only with a view to ascertain whether a cognizable offence is made out. Taking the information as correct, the officer has to determine whether it makes out a case of the commission of a cognizable offence. If the allegation makes out a case of a cognizable offence, unless the offence falls in sub-Section (3) of Section 173, it is mandatory to register FIR.

[.....]

28. Sub-Section (3) of Section 173 of the BNSS confers a discretion on the officer receiving information relating to the commission of a cognizable offence to conduct a preliminary inquiry to ascertain whether a prima facie case exists to proceed. This option is available when the offence alleged is made punishable for 3 years or more but less than 7 years. In the facts of the case, all the offences except the offence under Section 57 of the BNS are punishable by imprisonment for less than 7 years. Section 57,

**on the face of it, is not applicable. Therefore, this option was also available to the police officer in the present case. The officer did not exercise the said option.”**

[Emphasis supplied]

The crux of the above observations, therefore, is that under the regime of Section 154 of the CrPC, as explained in ***Lalita Kumari (supra)***, a preliminary inquiry is permissible only for the limited purpose of ascertaining whether the information discloses the commission of a cognizable offence. However, the scheme of Section 173(3) of the BNSS travels a step further and exposit situations where preliminary inquiry may be made even where the complaint is filed for cognizable offences. The said provision empowers the police officer, even in a case where the information may ostensibly disclose the commission of a cognizable offence punishable between three and seven years, to conduct a preliminary inquiry so as to ascertain whether there exists a *prima facie* case for proceeding in the matter. Thus, the legislative intent behind incorporating sub-section (3) of Section 173 appears to be to provide a safeguard against mechanical registration of FIRs in cases where the allegations, though couched in the language of a

cognizable offence, may in substance be vague, speculative or inherently doubtful.

**25.** None of the offences alleged in the impugned FIR carries imprisonment which may extend to more than seven years, thereby bringing the case within the category where the option of conducting a preliminary enquiry under Section 173(3) of the BNSS was clearly available to the police authorities. However, the police officials did not choose to exercise this option, and the FIR came to be registered straightaway in a mechanical manner without even a semblance of verification of the fictional and conjectural allegations made in the complaint. In the given facts, where the complaint contained vague allegations and was completely bereft of particulars, the situation clearly warranted a preliminary enquiry so as to arrive at the necessary “*prima facie*” satisfaction as to the commission of a cognizable offence. Though there is no hard and fast criterion for determining when such *prima facie* satisfaction may arise, the very object of permitting a preliminary enquiry is to prevent initiation of criminal proceedings on the basis of frivolous or speculative allegations. The allegations contained in

the complaint being so indeterminate and lacking in basic particulars, we are of the opinion that the police authorities ought to have exercised the option available under Section 173(3) of the BNSS.

**26.** Thus, *ex facie*, we are satisfied that the complainant-company has misused the process of law to settle the scores and to escape possible liabilities which it may have apprehended on account of some sharp reporting.

**27.** The scope of powers of the High Court under Section 482 CrPC (528 of the BNSS) for quashing of the FIR was extensively considered by this Court in the case of ***State of Haryana v. Bhajan Lal***<sup>9</sup>. We are of the firm opinion that the case of the appellant is covered by the observations made by this Court in ***Bhajan Lal (supra)*** in paras 102(1), (2) & (5) of the judgment which read thus: -

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of

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<sup>9</sup> 1992 Supp (1) SCC 335.

cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

**(1) Where the allegations made in the first information report or 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 a case against the accused.**

**(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.**

....

**(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused....”**

[Emphasis supplied]

**28.** In view of the discussion made hereinabove, there is no doubt in our mind that allowing the continuance of investigation pursuant to the impugned FIR against the appellant is nothing short of a gross abuse of the process of law.

**29.** Hence, the impugned order dated 26<sup>th</sup> November, 2025 passed by the High Court is set aside. As a consequence, FIR No.257 of 2025 dated 4<sup>th</sup> September, 2025 registered at Police Station Ashok Nagar, District Jaipur City (South), Rajasthan and all proceedings sought to be taken against the appellant in pursuance thereof, are quashed.

**30.** The appeal stands allowed accordingly.

**31.** Pending application(s), if any, shall stand disposed of.

.....**J.**  
**(VIKRAM NATH)**

.....**J.**  
**(SANDEEP MEHTA)**

**NEW DELHI;**  
**FEBRUARY 27, 2026.**