[2025] 7 S.C.R. 1697 : 2025 INSC 903

Chirag Sen and Another Etc.
v.
State of Karnataka and Another

(Criminal Appeal No. 3213 of 2025)

28 July 2025

[Sudhanshu Dhulia and Aravind Kumar,* JJ.]

Issue for Consideration

Issue arose as regards the correctness of the order passed by the High Court declining to quash the criminal proceedings initiated against the appellants-accused on the allegations relating to falsification of birth records for securing benefits and selections in age-restricted badminton tournaments.

Headnotes†

Code of Criminal Procedure, 1973 – s.482 – Quashing of criminal proceedings – Private complaint before the Metropolitan Magistrate against the appellants-badminton players of national acclaim, their parents and their coach alleging falsification of birth records for securing benefits and selections in age-restricted badminton tournaments – Magistrate directed investigation – Pursuant thereto, registration of FIR – Petitions seeking quashing of the FIR and the criminal proceedings – Rejected by the High Court – Correctness:

Held: Having regard to the totality of circumstances, the continuation of the criminal proceedings against the appellants wholly unwarranted – Complaint does not disclose the basic elements required to attract the offences u/ss.420, 468, and 471 IPC – No allegation that any of the appellants forged or fabricated a document, or that they knowingly used a forged document as genuine – No averment that any person or authority was dishonestly induced to part with property or confer a benefit as a result of any such act – Absence of any direct or indirect material linking the appellants to a culpable act or intention reinforces the conclusion that the allegations, even if taken at their highest, do not meet the threshold necessary to justify a criminal prosecution under the said provisions – Record indicates that the very allegations now sought to be revived were earlier subjected to scrutiny by competent

* Author

authorities, which found no material to proceed further – No fresh evidence has since come to light that would justify reopening what had already been closed upon due enquiry – Appellants, particularly the sportspersons of national standing, having represented India in international badminton tournaments and having earned multiple accolades, including medals at the Commonwealth Games and BWF international events – To compel such individuals who have maintained an unblemished record and brought distinction to the country through sustained excellence, to undergo the ordeal of a criminal trial in the absence of *prima facie* material would not subserve the ends of justice – Invocation of criminal law in such circumstances would amount to an abuse of process, which this Court cannot countenance – Impugned order passed by the High Court set aside, and the FIR and all further proceedings quashed. [Paras 17-24]

Case Law Cited

Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque **[2004] Supp. 5 SCR 790 : (2005) 1 SCC 122;** *State of Haryana v. Bhajan Lal* **[1990] Supp. 3 SCR 259 : (1992) Supp. 1 SCC 335;** *Pepsi Foods Ltd. v. Special Judicial Magistrate* **[1997] Supp. 5 SCR 12 : (1998) 5 SCC 749 – referred to.**

List of Acts

Code of Criminal Procedure, 1973; Penal Code, 1860; Constitution of India; Right to Information Act, 2005.

List of Keywords

Quashing of the criminal proceedings; Falsification of birth records; Securing benefits and selections in age-restricted badminton tournaments; Badminton players of national acclaim; Badminton coach; Delay; Personal grudge; *Bona fides* of the complaint; Criminal investigation; Administrative bodies; Criminal liability; Forged document; International badminton tournaments; Commonwealth Games and BWF international events; Criminal trial; Invocation of criminal law.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 3213 of 2025

Chirag Sen and Another Etc. v. State of Karnataka and Another

From the Judgment and Order dated 19.02.2025 of the High Court of Karnataka at Bengaluru in WP Nos. 26156, 25699 and 26136 of 2022

Appearances for Parties

Advs. for the Appellants:
C.A. Sundram, Sr. Adv., Ms. Rohini Musa, Badri Vishal, Ayush Negi.

Advs. for the Respondents:
Vikram Hegde, Abhishek Wadiyar.

Judgment / Order of the Supreme Court

Judgment

Aravind Kumar, J.

1. Leave granted.

2. The present appeals arise from a common judgment dated 19.02.2025 passed by the High Court of Karnataka at Bengaluru in W.P. Nos. 25699/2022, 26156/2022, and 26136/2022, whereby the High Court declined to quash the criminal proceedings initiated against the appellants-accused on allegations relating to falsification of birth records for the purpose of securing benefits and selections in age-restricted badminton tournaments.

3. The appellants before this Court are:

   1) Chirag Sen, son of Dhirendra Kumar Sen, aged about 26 years;

   2) Nirmala Dhirendra Sen, wife of Dhirendra Kumar Sen, aged about 57 years;

   3) Lakshya Sen, son of Dhirendra Kumar Sen, aged about 23 years;

   4) U. Vimal Kumar, son of Unnikrishnan Nair, aged about 63 years; and

   5) Dhirendra Kumar Sen, son of Late C.L. Sen, aged about 62 years.

4. Appellants Nos. 1 and 3 are established badminton players of national acclaim. Appellant No. 4 is a reputed national coach and director of the Prakash Padukone Badminton Academy (**"PPBA"**). Appellants Nos. 2 and 5 are the parents of Appellants Nos. 1 and 3.

5. The proceedings emanate from a complaint dated 27.06.2022 lodged by Respondent No. 2 – Shri Nagaraja M.G., before the Police Inspector, High Grounds Police Station, Bengaluru. The said complaint, [mentioned in diary as Petition No. 111/2022], alleged that Appellant No.1 – Chirag Sen and Appellant No. 3 – Lakshya Sen – had misrepresented their date of birth to qualify for tournaments in the Under-13 and Under-15 categories and thereby gained wrongful selection and monetary rewards. It was alleged that their parents—Appellants Nos. 2 and 5—and along with coach—Appellant No. 4—had conspired to forge and fabricate records in support of the misrepresentation.

6. As no FIR was registered on the basis of the complaint, Respondent No. 2 filed a private complaint under Section 200 Cr.P.C. before the Court of the VIII Additional Chief Metropolitan Magistrate, Bengaluru, which came to be registered as P.C.R. No. 14448/2022. By order dated 16.11.2022, the learned Magistrate directed investigation under Section 156(3) Cr.P.C.

7. In pursuance of the above order, FIR No. 194/2022 came to be registered on 01.12.2022 by High Grounds Police Station, Bengaluru City, invoking Sections 420, 468, 471, and 34 of the Indian Penal Code, 1860, against the appellants. The FIR reiterates the core allegations in the private complaint and alleges that the appellants fabricated the birth certificate of Appellant (s) No. 1 and 3 to obtain benefits from government and public recognition on false premises.

8. Challenging the registration of FIR No. 194/2022 and the order passed under Section 156(3) Cr.P.C. in P.C.R. No. 14448/2022, the appellants instituted three separate writ petitions before the High Court of Karnataka under Articles 226 and 227 of the Constitution read with Section 482 Cr.P.C. The said writ petitions were:

   i. W.P. No. 25699/2022 – filed by Appellant No. 3 (Lakshya Sen) and Appellant No.4 (Vimal Kumar-coach).

   ii. W.P. No. 26156/2022 – filed by Appellant No.1 (Chirag Sen) and Appellant No. 5 (Nirmala Sen-mother),

   iii. W.P. No. 26136/2022 – filed by Appellant No. 5 (Dhirendra Sen-father).

9. The appellants contend that identical allegations had been raised nearly a decade earlier and were subjected to scrutiny by competent

statutory authorities including the Sports Authority of India **("SAI")**, the Central Vigilance Commission **("CVC")**, and the Education Department of the Government of Karnataka. On 06.02.2018, the CVC vide Official Memorandum bearing No.017/EDN/038/370760 while examining the case and allegations related to age-fraud, observed that the Commission was of the view that Birth Certificate and 10th Class Certificate are final. Accordingly, SAI closed the case against the Appellants in view of the CVC recommendation.

10. Despite the above administrative closure, Respondent No. 2 proceeded to initiate fresh criminal proceedings after a gap of nearly eight years, by way of the said private complaint and the consequent FIR. Hence, appellants sought for quashing of the proceedings.

11. By a common judgment dated 19.02.2025, the High Court dismissed the writ petitions. The High Court observed that the documents annexed to the complaint and procured under the Right to Information Act, 2005, prima facie disclosed grounds for investigation, and that it would be inappropriate to quash the proceedings at the preliminary stage. The High Court held that prior administrative verifications would not preclude criminal prosecution where allegations disclosed cognizable offences warranting investigation.

12. The appellants, assailing the correctness of the High Court's reasoning and asserting that continuation of criminal proceedings amounts to a gross abuse of process, have preferred the present appeals.

Contentions of the Parties

13. Mr. C.A. Sundaram, learned Senior Counsel appearing for the appellants, contended that the FIR and the underlying complaint are a textbook instance of abuse of process, instigated by personal hostility and designed to harass the appellants for reasons wholly extraneous to law. He submitted that the impugned FIR is predicated upon an unverified and unauthenticated GPF form, which not only fails the test of admissibility but also has never been subjected to any forensic scrutiny. The said form, it was argued, does not even bear the name of the second appellant (Lakshya Sen), who was not born in 1996 and could not have been mentioned in a nomination form of that year.

14. Learned senior counsel emphasized that the appellants' date of birth are consistently recorded in statutory documents issued by the

competent authorities, none of which have ever been challenged or disproved. The material relied upon by the complainant is riddled with speculation, and no element of criminal intent or wrongful gain has been demonstrated. It was further submitted that various medical boards had independently verified the biological age of the players and found the same to be compatible with the documentary record.

15. He further submitted that allowing the proceedings to continue, despite institutional clearance by the Sports Authority of India, Badminton Authority of India, and Central Vigilance Commission, would not only cause grave prejudice to the appellants' sporting careers but would also undermine public confidence in the sanctity of investigative findings arrived at by these specialized agencies. The High Court's refusal to quash the proceedings, without a full hearing and on a summary basis, was stated to be a serious failure to exercise jurisdiction under Article 226.

16. On the other hand, learned Counsel appearing for second respondent, reiterated that the 1996 GPF form evidenced earlier knowledge within the family of the players' dates of birth and alleged that these were subsequently altered to gain eligibility benefits. He would also contend that correctness of the contents of the said Form can be investigated by the authorities. He argued that institutional exoneration does not preclude criminal investigation and that the medical age assessments made by said authorities were not conclusive and investigation that may be carried out would unearth the truth. Hence, he prays for dismissal of these petitions and prays for confirming the order of the High Court.

Analysis and Findings

17. Upon careful consideration of the pleadings, documents on record, and rival contentions, we are of the firm view that the present case falls squarely within the category of exceptional circumstances warranting interference at the threshold to prevent abuse of the criminal process.

18. The entire edifice of the complaint is built upon a solitary document, the 1996 GPF nomination form—which is not only bereft of authentication, but also fails to establish any fraudulent intent or act attributable to the appellants. The said form, even if assumed to be genuine, does not override the birth certificates issued by statutory authorities, nor

does it constitute proof of any falsification on the part of appellant Nos.1 and 3 themselves. The complainant has neither challenged the validity of the official birth records before any civil forum nor offered any explanation as to why the alleged discrepancies were not raised contemporaneously. It is evident from the material placed on record that the allegations are based on conjecture and surmises, and are manifestly intended to malign the appellants. No dishonest inducement or gain is demonstrated, nor is there any wrongful loss caused to the State or a third party. The allegations against the appellants do not fulfil the essential ingredients of Sections 420, 468 or 471 IPC. In ***Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque, (2005) 1 SCC 122***, this Court reiterated that where allegations are inherently improbable and no case is made out, continuation of proceedings amounts to abuse of process.

19. What is of greater concern is the evident pattern of vindictiveness that permeates the complaint. The undisputed timeline indicates that the complainant's grievances commenced only after his daughter was denied admission to the academy in 2020. The FIR was registered in 2022— after the same matter was examined and closed by multiple authorities, including the CVC, which is a premier integrity institution under the Government of India. The delay, absence of new material, and apparent personal grudge collectively undermine the bona fides of the complaint.

20. While jurisdiction to quash must be exercised with caution, the law equally mandates that courts must not remain passive in the face of manifest injustice. In ***State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335**, this Court recognized that where a criminal proceeding is instituted with an ulterior motive for wreaking vengeance, the Court has a duty to interdict such abuse.

21. The suggestion that a criminal investigation is necessary to test the allegations rings hollow when viewed in light of the numerous factual inquiries already conducted by competent authorities. It is relevant to note that the issue of age discrepancy had already been examined at the administrative level. The SAI, on receiving complaints, initiated a verification process in 2016, which included medical testing and factual inquiries. The players underwent bone ossification and dental examination tests conducted at government-run hospitals including AIIMS, Delhi. The findings of these tests supported the birth years

as recorded in official documents. On that basis, the SAI closed the matter. The CVC, an independent oversight body, was also seized of the issue and recommended no disciplinary proceedings against D.K. Sen. These findings were accepted by the relevant authorities and have not been set aside or reopened. While the conclusion of administrative bodies is not conclusive for criminal liability, they do bear relevance when evaluating whether a complaint discloses prima facie grounds to proceed further. We are not concerned here with a case where material is being unearthed for the first time. Rather, the complainant seeks to reopen settled issues that have already been examined thoroughly and closed, without any allegation of fraud or suppression in those proceedings.

22. Insofar as the applicability of Sections 420, 468, and 471 IPC is concerned, the complaint does not disclose the basic elements required to attract these offences. There is no allegation that any of the appellants forged or fabricated a document, or that they knowingly used a forged document as genuine. Equally, there is no averment that any person or authority was dishonestly induced to part with property or confer a benefit as a result of any such act. The complaint proceeds on the assumption that an entry in a GPF nomination form, allegedly filled up by the father (Appellant No.5) of the players in 1996, casts doubt on the subsequently issued birth records of the players. Even taking the said form at face value, it is neither demonstrated how the players—who were minors at the time—or their coach had any role in its preparation, nor shown that the document was ever used to obtain a benefit under false pretence. During the course of hearing, when the Court specifically posed a question to counsel for Respondent No. 2 to clarify the nature of involvement of the players, their parent, or the coach in any act amounting to forgery or cheating, no satisfactory explanation was offered. The absence of any direct or indirect material linking the appellants to a culpable act or intention reinforces the conclusion that the allegations, even if taken at their highest, do not meet the threshold necessary to justify a criminal prosecution under the aforesaid provisions. This Court has repeatedly cautioned against permitting the criminal law to be used as a weapon of harassment. In ***Pepsi Foods Ltd. v. Special Judicial Magistrate*****, (1998) 5 SCC 749**, it was held that summoning an accused in a criminal proceeding is a serious matter and should not be undertaken lightly. The present case is illustrative of how

criminal process may be misused to achieve a collateral objective under the guise of legality.

23. Having regard to the totality of circumstances, we are of the considered opinion that the continuation of the criminal proceedings against the appellants is wholly unwarranted. The record indicates that the very allegations now sought to be revived were earlier subjected to scrutiny by competent authorities, which found no material to proceed further. No fresh evidence has since come to light that would justify reopening what had already been closed upon due enquiry. The appellants, particularly Appellant Nos. 1 and 3, are sportspersons of national standing, having represented India in international badminton tournaments and having earned multiple accolades, including medals at the Commonwealth Games and BWF international events. To compel such individuals who have maintained an unblemished record and brought distinction to the country through sustained excellence,to undergo the ordeal of a criminal trial in the absence of prima facie material would not subserve the ends of justice. The invocation of criminal law in such circumstances would amount to an abuse of process, which this Court cannot countenance.

24. For the aforesaid reasons, the appeals are allowed. The impugned order dated 19.02.2025 passed by the High Court of Karnataka in W.P. Nos. 26156/2022, 25699/2022 and 26136/2022 is set aside. Consequently, FIR No. 194/2022 dated 01.12.2022 registered by High Grounds Police Station, Bengaluru, and all further proceedings in pursuance thereof, including P.C.R. No. 14448/2022, stand quashed.

25. Pending applications, if any, are disposed of. There shall be no order as to costs.

Result of the case: Appeals allowed.

[†]*Headnotes prepared by:* Nidhi Jain