



Experience law effortlessly

# JUDGEMENTOPEDIA

*(Learning Judgements For A Living)*

1

Whether a High Court can entertain a petition under Article 226/ Article 227 of the Constitution of India when a statutory remedy of appeal is available to the aggrieved party, particularly an insurer, under Section 173 of the Motor Vehicles Act, 1988?

2

Whether a person can be declared a juvenile under the Juvenile Justice Act, 2000, when there are conflicting public records and medical evidence regarding their age in a serious criminal case?

3

Can an FIR be quashed by the Supreme Court if the allegations made against the appellant are vague or do not prima facie constitute any offence, thereby leading to an abuse of process of law?

4

Whether the FIR and proceedings against the petitioners should be quashed for lacking specific allegations, suggesting misuse of process in a matrimonial dispute?



Aug, 2025

Vol 59





# JUDGEMENTOPEDIA

(Learning Judgements For A Living)

1

Sadhana Lodh Vs. National Insurance Company  
Ltd. & Anr.  
[(2003) 3 SCC 524]

2

Suresh Vs. State of Uttar Pradesh & Anr.  
[2025 INSC 918]

3

Kim Wansoo Vs. State of Uttar Pradesh &  
Ors.  
[2025 INSC 8]

4

Prahlad @ Bodu Sharma & Others Vs.  
State Of Chhattisgarh & Another  
[CRMP No. 1168 of 2025]





# **Whether a High Court can entertain a petition under Article 226/ Article 227 of the Constitution of India when a statutory remedy of appeal is available to the aggrieved party, particularly an insurer, under Section 173 of the Motor Vehicles Act, 1988?**

**CONTEXT:** The appellant's 24-year-old son died in a motor vehicle accident, leading to a Motor Accidents Claims Tribunal award of Rs. 3,50,000/- compensation. The insurer (Respondent No. 1), aggrieved by this award, filed a writ petition under Articles 226 and 227 of the Constitution before the Guwahati High Court. Although initially dismissed by a Single Judge, a Division Bench allowed the insurer's subsequent appeal, reducing the compensation to Rs. 3,00,000/-. An appeal was filed by the claimant against this High Court division bench judgment.

The appeal was allowed, and the judgment and order of the Division Bench of the High Court was set aside. The Supreme Court held that the High Court erred in entertaining the

- 1 petition under Article 226/227 of the Constitution, given that the insurer possessed a statutory remedy of appeal before the High Court under Section 173 of the Motor Vehicles Act, 1988.

- 2 A statutory right of appeal, even if limited to specific grounds available under Section 149(2) of the Act, cannot have its challenge grounds enlarged by filing a petition under Article 226/227. Where a statutory right to file an appeal has been provided, it is not open to the High Court to entertain a petition under Article 227 of the Constitution.

- 3 The supervisory jurisdiction conferred under Article 227 is confined to ensuring an inferior court or Tribunal acts within its parameters, and is not to be exercised as an Appellate Court or to correct errors of law or re-weigh evidence.

**SADHANA LODH VS.  
NATIONAL INSURANCE  
COMPANY LTD. & ANR.  
[(2003) 3 SCC 524]**

**ARTICLES 226 AND 227  
OF THE CONSTITUTION  
OF INDIA**

**SECTIONS 149(2) AND  
173 OF THE MOTOR  
VEHICLES ACT, 1988**

**SECTION 115 OF THE  
CODE OF CIVIL  
PROCEDURE (CPC), 1908**

**Whether a person can be declared a juvenile under the Juvenile Justice Act, 2000, when there are conflicting public records and medical evidence regarding their age in a serious criminal case?**

**CONTEXT:** The appeal concerned the juvenility of Respondent No.2 (Devi Singh), accused in Crime Case No.385/2011 for the murder of Rajesh, which occurred on 31.08.2011. Respondent No.2 claimed juvenility, stating his date of birth as 18.04.1995, making him 16 years, 4 months, and 13 days old at the time. The Trial Court and High Court accepted this, but the Appellant presented a Family Register (DOB 1991), a 2012 Voters' List (age 22), and a Medical Report (age 22 on 01.12.2012), contradicting the school records.

1 The Supreme Court found the lower courts' approach "not proper". It set aside the orders declaring Respondent No.2, a 'juvenile', holding him to be a major at the time of the offence.

2 The Court ruled that the first school's birth-date entry, based solely on an oral representation, was unreliable, discrediting subsequent certificates. Crucially, the public records (Family Register, Voters' List) and the Medical Report, which indicated Respondent No.2 was a major, should have been given precedence.

3 Citing *Om Prakash v State of Rajasthan (2012 )1 RLW 65*), the Court affirmed that in serious offences, medical evidence and reliable public documents override shaky school records.

**SURESH VS. STATE OF UTTAR PRADESH & ANR.**  
**[2025 INSC 918]**

**RULE 12(3) OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2007**

**SECTIONS 452, AND 302 INDIAN PENAL CODE, 1860**

**SECTIONS 35 AND 74 INDIAN EVIDENCE ACT, 1872**



**Can an FIR be quashed by the Supreme Court if the allegations made against the appellant are vague or do not prima facie constitute any offence, thereby leading to an abuse of process of law?**

**CONTEXT:** Hyundai Motor India Limited (HMIL) awarded a project to Hyundai Engineering & Construction India LLP (HEC India LLP), for which the appellant, Kim Wansoo, served as Project Manager. HEC India LLP sub-contracted work through a chain that ultimately involved the complainant's entity, M/s R.T. Construction, providing manpower. The subject FIR (No. 64/2020) was registered under Sections 406, 420, 323, 504, 506, and 120-B of the Indian Penal Code, 1860 (IPC). It alleged that 'YSSS', a sub-contractor further down the chain, in connivance with other accused (including the appellant), defaulted on payments totalling approximately Rs. 9 Crores to the complainant's company, and that cheques were dishonoured. The High Court had refused to quash this FIR.

1 The Supreme Court allowed the appeal, thereby setting aside the High Court's judgment dated 26.08.2020. Consequently, FIR No. 64/2020 registered at Police Station, Sadar Bazar, District Meerut, and all further proceedings pursuant thereto, qua the appellant, stand quashed and set aside.

2 The Court concluded that despite a microscopic examination, the FIR contained only vague allegations against the appellant or HEC India LLP. It found that even if the allegations were taken as true, they did not disclose the commission of any offence and make out a case against the appellant.

3 Therefore, compelling the appellant to stand trial would constitute nothing but an abuse of the process of law and result in a miscarriage of justice.

**KIM WANSOO VS.  
STATE OF UTTAR  
PRADESH & ORS.  
[2025 INSC 8]**

**SECTIONS 406, 420,  
323, 504, 506, AND 120-B  
OF THE INDIAN PENAL  
CODE, 1860**

**SECTIONS 91, 157,  
173(2), AND 482 OF THE  
CODE OF CRIMINAL  
PROCEDURE, 1973**

**ARTICLE 226 OF THE  
CONSTITUTION OF INDIA**

# Whether the FIR and proceedings against the petitioners should be quashed for lacking specific allegations, suggesting misuse of process in a matrimonial dispute?

**CONTEXT:** The case arose from a matrimonial dispute where the complainant (wife) alleged continuous harassment for dowry, mental and physical cruelty, and an attempt to outrage her modesty by her husband and in-laws (brother-in-law, father-in-law, mother-in-law). An FIR was lodged under various IPC sections, followed by a chargesheet and cognizance order. Mediation between the parties failed, prompting the petitioners to seek quashing of the criminal proceedings under Section 528 of the BNSS (Bhartiya Nagarik Suraksha Sanhita), 2023.

① The High Court partially allowed the petition. The FIR (Crime No. 86/2024), chargesheet, and all consequential criminal proceedings were quashed against Prahlad @ Bodu Sharma (Petitioner No. 1), Mohan Lal Sharma (Petitioner No. 3), and Smt. Nirmala Sharma (Petitioner No. 4). This was due to the finding of no specific, only bald and omnibus allegations, against them, meaning a prima-facie offence was not established.

② Citing precedents like ***Geeta Mehrotra, K. Subba Rao, v. Dara Lakshmi Narayan (2012) 10 SCC 741***, the Court emphasised preventing misuse of legal provisions in matrimonial disputes against innocent family members based on generalised accusations.

③ The case aligned with the ***State of Haryana and others v. Bhajan Lal and others (1992 Supp (1) SCC 335)*** for quashing proceedings. However, prosecution against Ramakant @ Dalli Sharma (Petitioner No. 2), the husband, shall continue, with the trial court instructed to proceed strictly in accordance with the law.

**PRAHLAD @ BODU  
SHARMA & OTHERS VS.  
STATE OF  
CHHATTISGARH &  
ANOTHER  
[CRMP NO. 1168 OF  
2025]**

**SECTION 528 OF THE  
BHARATIYA NAGARIK  
SURAKSHA SANHITA  
(BNSS), 2023**

**SECTIONS 294, 323,  
325, 354, 506, AND 34  
OF THE INDIAN PENAL  
CODE (IPC), 1860**