Article 142 – Quashing of FIRs

Prelims: *Current events of national and international importance | Polity*

Why in News?

The Supreme Court invoked Article 142 to quash FIRs/criminal proceedings against Gen Z protesters involved in protests linked to the NEET-UG 2026 question paper leak.

Constitutional Provision

- **Article 142 Clause (1) –** Authority to Ensure Complete Justice and Nationwide Enforcement
  - **Power –** In any pending cause or matter, the Supreme Court may issue any decree or order deemed necessary to achieve complete justice.
  - **Enforcement –** Any such decree or order is enforceable across the entire territory of India.
  - **Mode of enforcement –** The method of enforcement is determined by Parliament; until such legislation is enacted, it is prescribed by the President.
- **Article 142 Clause (2) -** Procedural and Contempt Powers Applicable Nationwide.
- Subject to any law enacted by Parliament on the matter, the Supreme Court possesses, for the entirety of India, the authority to issue orders for the following purposes:
  - Securing the attendance of any individual;
  - Facilitating the discovery or production of documents;
  - Conducting investigations into, or imposing punishment for, contempt of the Supreme Court.

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Evolution of Supreme Court's Interpretation of Article 142

Year	Case	Principle
1963	*Prem Chand Garg v. Excise Commissioner, U.P.*	Article 142 is wide but **cannot violate the Constitution or Fundamental Rights.**
1967	*I.C. Golaknath v. State of Punjab*	Described Article 142 as a **wide and elastic power** capable of developing legal doctrines to meet the ends of justice.
1991	*Union Carbide Corporation v. Union of India*	Ordinary statutory limitations do not automatically restrict the **constitutional power under Article 142.**
1991	*Delhi Judicial Service Association v. State of Gujarat*	Article 142, read with Articles 32 & 136, can be used to **quash criminal proceedings** in appropriate cases.
1998	*Supreme Court Bar Association v. Union of India*	Article 142 is **plenary, supplementary and residual,** but **cannot supplant substantive law.**
2023	*Shilpa Sailesh v. Varun Sreenivasan*	Supreme Court can depart from procedural/substantive law in appropriate circumstances to achieve complete justice, subject to **public-policy considerations.**
2024	*High Court Bar Association, Allahabad v. State of U.P.*	Article 142 must ordinarily operate between parties before the Court and **cannot prejudice substantive rights of persons who are not before it.**

- **Limitations –**
- **Constitutional Limitation –** Orders issued under Article 142 cannot supersede the Constitution or infringe upon fundamental rights.
- **Supplementary Function –** It may address legal lacunae but cannot substitute or amend statutory provisions.
- **Principles of Natural Justice –** Directions must uphold the rights of non-parties and adhere to fair-hearing standards.
- **Public Policy Alignment –** It must be consistent with fundamental public policy considerations.
- **Exceptional Application –** It should be invoked only in extraordinary circumstances and not as a matter of routine.

Reference

Indian Express| SC Scraps All FIRs Against NEET Protesters

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