



2026:CGHC:3791

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**  
**CRMP No. 1485 of 2021**

Ashutosh Pandey S/o Late Surendra Pandey Aged About 32 Years R/o Village Mohrenga, Police Station Bemetara, Tahsil And District Bemetara (Chhattisgarh), District : Bemetara, Chhattisgarh

**--- Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Through Sho Kabir Nagar, Distt. Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

**2** - Kumari Manisha Shukla @ Maya Shukla D/o Mukund Rao Shukla Aged About 21 Years R/o Gurughasi Das Nagar Near Shiv Mandir Bhilai P.S. Jamul, District Durg (Chhattisgarh)

**3** - Kumari Tanu @ Tarni D/o Yashwant Sahu Aged About 24 Years Village Sarbad Subhash Chowk, P.S. Birejhar, District Dhamtari (Chhattisgarh)

**--- Respondent(s)**

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For Petitioner(s) : Mr. Dheerendra Pandey, Advocate

For Respondent(s) : Mr. Nitansh Jaiswal, Panel Lawyer and Mr. Harshmander Rastogi, Advocate

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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**22.01.2026**

1. Heard Mr. Dheerendra Pandey, learned counsel for the petitioner. Also heard Mr. Nitansh Jaiswal, learned Deputy Government Advocate appearing for respondents No.1/State and Mr. Harshmander Rastogi, learned counsel appearing for respondent No.2.
2. None appeared on behalf of respondent No.3 when the case was called out for hearing.
3. The petitioner has filed this petition with the following prayer:

*“It is therefore prayed that this Hon’ble court may be pleased to allow the application by making an order to quash the Crime No. 171 of 2020 dated 24.09.2020 & quash the final report dated 17.08.2021 and also quash the entire criminal proceeding pending before JMF Raipur District Raipur (C.G.) as Criminal Case No. 9032/2021 and discharge from the case to the applicant.”*

4. The facts of the case, in brief, are that the applicant is an Assistant Teacher (LB) posted at Government Primary School, Mohrenga, and had purchased a flat in the name of his wife bearing Flat No. F-604, Avinash Asiyana, Kabir Nagar, Raipur, which remained vacant for a long period. During the COVID-19 lockdown in May 2020, the complainant, a well-educated major woman known to the applicant, approached him seeking the flat on rent, and accordingly, on 07.05.2020, the flat was given to her on an oral rent arrangement as execution of a written agreement

was not feasible during the lockdown. The complainant occupied the flat but neither executed a rent agreement thereafter nor showed willingness to do so, and information was received by the applicant from neighbours regarding alleged illegal activities, prompting him to request the complainant to vacate the premises. Thereupon, the complainant lodged a complaint at Police Station Amanaka on 20.07.2020, which upon inquiry was found to be a civil dispute between landlord and tenant, leading to a written compromise submitted by the complainant herself stating that the complaint was made only because the applicant had asked her to vacate the flat, and seeking time to arrange alternative accommodation. A mutual compromise deed was also executed permitting her to stay temporarily, subject to conditions. Despite this, the complainant allegedly continued to threaten the applicant with false cases. Subsequently, after a family function at the applicant's village on 11.09.2020 attended by the complainant and her family members, certain cash and mobile phones were found missing, leading the applicant to submit a written complaint, after which the complainant allegedly issued threatening messages. The complainant finally vacated the flat on 16.09.2020, but on the same date lodged another complaint alleging assault, on the basis of which Crime No. 171/2020 under Sections 294, 323 and 506 IPC was registered at Police Station Kabir Nagar. After investigation, a charge-sheet was filed on 17.08.2021 before the JMFC, Raipur, registered as Criminal Case

No. 9032/2021. The applicant contends that the FIR and the charge-sheet are illegal, arbitrary, and malicious, as no *prima facie* case under the alleged sections is made out from the material on record, and therefore seeks quashment of the entire criminal proceedings.

5. Learned counsel for the petitioners submits that the impugned FIR and the consequent charge-sheet deserve to be quashed as the mandatory procedure and guidelines laid down by the Hon'ble Supreme Court prior to registration of the FIR were not followed by the police. It was submitted that even if the entire material collected during investigation is accepted on its face value, the essential ingredients of offences punishable under Sections 294, 323 and 506 of the IPC are not made out, particularly in view of the admitted position that the complainant was a tenant of the petitioner and the dispute was essentially civil in nature between a landlord and tenant. Learned counsel further pointed out that the alleged incident is stated to have occurred on 14.09.2020, whereas the FIR was lodged on 16.09.2020 without any satisfactory explanation for the delay. It was also urged that the complainant had earlier threatened the petitioner with false implication, which is supported by WhatsApp messages on record. According to learned counsel, the allegation regarding damage to the complainant's mobile phone is belied by the fact that no such damaged mobile was seized during investigation. It was further submitted that the complaint itself reflects

improbability, as it refers to prior knowledge of the incident by certain persons, and that the medical examination was conducted after two days without any initial allegation of injury. Lastly, learned counsel argued that the statements of witnesses were recorded after an unexplained delay of about fifteen days, which casts serious doubt on the fairness and credibility of the investigation.

6. Learned counsel for the respondent in his return, opposed the petition and submitted that the present petition is misconceived and liable to be dismissed, as the FIR and the material collected during investigation disclose the commission of cognizable offences. It was contended that the respondent, a student and unemployed at the relevant time, came into contact with the petitioner through online platforms where he allegedly impersonated himself under a false name and on the pretext of providing employment induced her to come to Raipur, thereafter arranging her stay in the flat in question during the lockdown period. Learned counsel submitted that the respondent resided in the said flat with the consent of the petitioner and that during this period the petitioner abused his position, subjected her to verbal, physical and criminal intimidation, and repeatedly threatened her with defamation and harm. It was further contended that when the respondent approached the police during the lockdown, she was coerced and compelled to execute a compromise under pressure and fear, which according to the respondent was not voluntary

and is itself a matter requiring evidence. Learned counsel submitted that subsequent incidents of assault on 14.09.2020 led to lodging of a zero FIR on 16.09.2020, which was later transferred and registered as Crime No.171/2020, and that the delay stands explained by the prevailing COVID-19 restrictions and the respondent's fear and vulnerability. It was also argued that the allegations regarding threats, assault and intimidation are supported by statements recorded during investigation and cannot be adjudicated in proceedings under Section 482 Cr.P.C. Reliance was placed on the decisions of the Hon'ble Supreme Court in State of Haryana vs. Bhajan Lal, Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, and other precedents to contend that where the FIR and charge-sheet disclose a prima facie case, the High Court ought not to undertake a meticulous examination of evidence or enter into disputed questions of fact. Learned counsel thus submitted that the petitioner has failed to bring his case within the settled parameters for quashment and the petition deserves dismissal.

7. To which, learned counsel for the petitioner in his rejoinder submitted that the allegations reiterated by the respondent in the return are a verbatim reproduction of the FIR and charge-sheet and do not answer the specific grounds raised in the petition. It was contended that a bare reading of the FIR itself shows inherent contradictions, jurisdictional inconsistencies, and embellishments introduced subsequently during investigation,

which cannot be cured by filing of the charge-sheet. Learned counsel submitted that the alleged offences under Sections 294, 323 and 506 IPC are not made out even if the prosecution case is accepted in entirety, as the dispute admittedly arose out of a landlord-tenant relationship and was given a criminal colour. It was further contended that the so-called injury was opined to be simple in nature, the medical examination was conducted belatedly, and the delay in lodging the FIR remains unexplained. Learned counsel argued that the filing of the charge-sheet does not bar exercise of inherent jurisdiction under Section 482 Cr.P.C. when continuation of criminal proceedings amounts to abuse of process of law, and the alternative remedies under Sections 239 or 397 Cr.P.C. cannot curtail the constitutional and inherent powers of this Court. It was thus submitted that the reliance placed by the respondents on settled principles governing quashment does not advance their case, as the present matter squarely falls within the parameters laid down by the Hon'ble Supreme Court warranting interference to secure the ends of justice.

8. Learned counsel for the petitioner lastly submits that in a another case lodged by the respondent against the present petitioner, which was challenged by the petitioner before the learned Single Judge, stood dismissed vide order dated 10.05.2024 being CRMP No. 1446/2023, against which he preferred a petition being SLP No. 9034/2024 in which the Hon'ble Apex Court has

been pleased to issue notice to the respondents therein and stayed the further proceedings of Crime No. 1895/2020, registered at Police Station, Kabir Nagar, District Raipur. The present is also similar offence between the same parties and as such, this Court may be pleased to quash the Crime No. 171/2020 and the consequent criminal proceedings emanating therefrom.

9. We have heard learned counsel for the parties and perused the documents appended with this petition.
10. The Supreme Court in the matter of **State of Haryana and others v. Bhajan Lal and others, 1992 Supp (1) SCC 335** laid down the principles of law relating to the exercise of extraordinary power under Article 226 of the Constitution of India to quash the first information report and it has been held that such power can be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice. In paragraph 102 of the report, their Lordships laid down the broad principles where such power under Article 226 of the Constitution/Section 482 of the CrPC should be exercised, which are as under: -

“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 give the following

categories of 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.

(3)Where the uncontested allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4)Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under 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.

(6)Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7)Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.”

**11. The Supreme Court in the matter of Manoj Kumar Sharma and others v. State of Chhattisgarh and others, (2016) 9 SCC 1**  
held as under:-

“35. While discussing the scope and ambit of Section 482 of the Code, a similar view has been taken by a Division Bench of this Court in Rajiv Thapar and others vs. Madan Kal Kapoor (2013) 3 SCC 330 wherein it was held as under:-

“29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 CrPC, if it chooses to quash the initiation of the prosecution against an accused at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 CrPC, at the stages referred to hereinabove, would have far-reaching consequences inasmuch as it would negate the prosecution’s/complainant’s case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 CrPC the High Court has to be fully satisfied that the material produced by the accused is such that would lead to the conclusion that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It

should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 CrPC to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the

assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5 If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arisingt therefrom) specially when it is clear that the same would not conclude in the conviction of the accused."

12. Upon careful consideration of the pleadings, submissions advanced by learned counsel for the parties, and the material

placed on record, this Court finds that the genesis of the dispute between the petitioner and the respondent arises from a landlord-tenant relationship and the demand made by the petitioner for vacating the premises. The record reveals that an earlier complaint made by the respondent was resolved through a written compromise, wherein the respondent herself acknowledged that the complaint was lodged only because the petitioner had asked her to vacate the flat and sought time for alternative accommodation. The subsequent FIR dated 24.09.2020 has been lodged after an unexplained delay of two days from the alleged date of incident, and the medical examination was conducted belatedly, opining the injury to be simple in nature. The investigation does not disclose seizure of any incriminating material in support of the allegations, including the alleged broken mobile phone. Further, the statements of witnesses were recorded after considerable delay without satisfactory explanation. Even if the allegations in the FIR and the charge-sheet are accepted in their entirety, the essential ingredients of offences under Sections 294, 323 and 506 of the IPC are not *prima facie* made out. This Court is therefore of the view that the criminal proceedings have been initiated with mala fide intent and are manifestly attended with the object of pressurizing the petitioner, thereby attracting the principles laid down in *Bhajan Lal* (supra).

13. In view of the aforesaid findings, this Court is satisfied that the

present case squarely falls within the guidelines passed by the Hon'ble Supreme Court in the matter of Bhajan Lal (supra), warranting exercise of inherent jurisdiction under Section 482 of the Cr.P.C. Continuation of the criminal proceedings against the petitioner would amount to abuse of the process of law and would not serve the ends of justice. Accordingly, the petition is **allowed**.

The FIR bearing Crime No. 171/2020 dated 24.09.2020 registered at Police Station Kabir Nagar, District Raipur (C.G.) for offences under Sections 294, 323 and 506 IPC, the charge-sheet dated 17.08.2021, and the entire criminal proceedings pending before the Court of JMFC, Raipur in Criminal Case No. 9032/2021 are hereby quashed.

Sd/-

**(Ravindra Kumar Agrawal)**

Judge

Sd/-

**(Ramesh Sinha)**

Chief Justice

**Manpreet**