



2026:CGHC:4380-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2945 of 2025

Deepika Tiwari W/o Shri Deepak Tiwari Aged About 45 Years D/o Late Shri Murli Manohar Mishra , R/o H. No. H5/2, Reshan Colony, Shriram Nagar, Kanker, District- North Bastar (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- District Magistrate, District-Balodabazar Bhatapara (C.G.)

2 - Station House Officer Through- Police Station- Kasdol, Balodabazar-Bhatapara (C.G.)

3 - Manish Mishra S/o Late Shri Murli Manihar Mishra Aged About 51 Years R/o Mahatma Gandhi Ward, Brahmanpara, Kasdol, District-Balodabazar- Bhatapara (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Prakash Tiwari, Advocate

For Respondent(s) : Mr. Ramcharan Sahu, Advocate and Mr.

Shailendra Sharma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

27.01.2026

1. Heard Mr. Prakash Tiwari, learned counsel for the petitioner. Also heard Mr. Shailendra Sharma, learned Panel Lawyer appearing for respondents No.1 & 2/State and Mr. Ramcharan Sahu, learned counsel appearing for respondent No.3.

2. The petitioner has filed this petition with the following prayer:

“It is therefore prayed that the Hon'ble court may kindly be pleased to allow the petition and set aside the impugned F.I.R. No. 0325/2025 dated 08.05.2025 lodged at Police Station Kasdol, Balodabazar Bhatapara (C.G.) (ANNEXURE A/1) and the Chargesheet No. 428/2025 dated 25.07.2025 under section 115(2), 296, 351(3) of The Bhartiya Nyaya Sanhita, 2023 and to set aside the Taking Cognizance Order dated 26.07.2025 passed by Learned Judicial Magistrate First Class, Kasdol District- Balodabazar Bhatapara (C.G.) bearing Criminal Case No. 1514/2025 (ANNEXURE A/2) in the ends of justice.”

3. Prosecution story in brief is that the complainant Manish Kumar Mishra alleged that on 08.05.2025 at about 1:30 PM, his wife Deepshikha Mishra found a love letter in the courtyard of their house, purportedly written by the daughter of the applicant, namely Ananya Tiwari, whereafter the complainant sent the said letter through his servant to his real sister, the applicant herein. Upon receipt of the same at about 9:45 PM, the applicant allegedly rushed to the complainant's house, denied authorship of the letter by her daughter, accused the complainant of attempting

to defame her family, and during the ensuing altercation allegedly abused, threatened and assaulted the complainant by hand and fist and attempted to choke him, causing simple injuries on his right hand and cheek, leading to the lodging of the impugned FIR. The applicant contends that the allegations are false, frivolous and malicious, lodged solely to harass her and tarnish her social reputation, particularly in view of the admitted fact that the parties are real brother and sister and are embroiled in a long-standing civil dispute relating to family property pending as Civil Case No. 7A/2021 before the Court of 1st District Judge, Baloda Bazar. It is further asserted that the applicant is a civil servant working as Supervisor under the Department of Women and Child Development at Kasdol and has been falsely implicated due to the said property dispute. It is specifically urged that the offence under Section 296 BNS is not made out as the FIR itself discloses that the alleged incident occurred inside the private residence of the complainant and not in any public place, and therefore, in the backdrop of the civil dispute and absence of essential ingredients of the alleged offences, the impugned FIR and chargesheet deserve to be quashed at the threshold.

4. Learned counsel for the petitioner submits that the impugned FIR dated 08.05.2025 and the consequential charge-sheet dated 25.07.2025 are wholly illegal, arbitrary and contrary to the facts and material available on record and, therefore, liable to be quashed, as the allegations contained therein are absurd,

inherently improbable and do not disclose any sufficient ground to proceed against the applicant. It is contended that the complaint has been lodged on false, fabricated and concocted allegations with the sole intention of tarnishing the reputation and social standing of the applicant, who is a law-abiding government servant working as Supervisor at Kasdol under the Department of Women and Child Development. It is further submitted that the complainant and the applicant are real brother and sister and are embroiled in a long-standing family property dispute, which is pending adjudication before the Court of the First District Judge, Baloda Bazar as Civil Case No. 7-A/2021, and that the present FIR has been maliciously instituted only to exert undue pressure upon the applicant in the said civil litigation and to cause her mental as well as professional harassment. Learned counsel further argues that the essential ingredients of the offences alleged, particularly under Section 296 of the BNS, 2023, are conspicuously absent, inasmuch as the said provision applies only to acts committed in a public place, whereas the FIR itself admits that the alleged incident took place inside the private residence of the complainant, thereby rendering the invocation of Section 296 BNS manifestly erroneous and reflective of non-application of mind by the investigating agency. It is thus urged that even if the allegations made in the FIR are taken at their face value and accepted in their entirety, no prima facie offence under Sections 115(2), 296 or 351(3) of the BNS, 2023 is made out

against the petitioner, and continuation of the criminal proceedings would amount to a gross abuse of the process of law, warranting interference by this Hon'ble Court.

5. Learned State counsel submits that as per the prosecution case, on 08.05.2025 at about 1:03 PM the wife of the complainant, namely Deepshikha Mishra, found a love letter in the courtyard of her house allegedly written by the daughter of the applicant, whereupon the applicant rushed to the complainant's house, denied the said allegation and, during the ensuing altercation, allegedly abused, threatened and assaulted the complainant with hands and fists and attempted to choke him, causing simple injuries on his right hand and right cheek, pursuant to which the complainant lodged the FIR at about 1:30 PM, while the applicant also lodged an NCR later in the evening as a counterblast. It is submitted that after registration of the FIR, the investigating agency duly recorded the statements of witnesses, seized relevant documents and CCTV footage related to the incident, and upon completion of investigation filed the charge-sheet before the competent Court, where the trial is presently pending. Learned State counsel contends that at this stage interference by this Hon'ble Court would be unwarranted, as the FIR and charge-sheet are meant only to set the criminal law in motion and an FIR need not contain an exhaustive narration of all facts, which are to be unfolded during trial; premature quashment would result in grave injustice before the evidence is duly appreciated. Reliance

is placed on the settled principles laid down by the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal**, to submit that in the absence of patent illegality or arbitrariness, the inherent jurisdiction ought not to be exercised, and that even alleged mala fides of the complainant do not by themselves vitiate an otherwise sustainable prosecution. It is further submitted that prima facie sufficient material exists on record to justify registration of the FIR and filing of the charge-sheet, the petitioner has an efficacious alternative remedy of seeking discharge before the learned Trial Court, and therefore, the present petition being devoid of merit deserves to be dismissed at the threshold

6. Learned counsel for respondent No. 3 submits that the petition filed by the petitioner seeking quashment of FIR No. 325/2025 dated 08.05.2025 and the consequent criminal proceedings is wholly baseless and liable to be dismissed, as the said FIR was lodged by respondent No. 3 Manish Mishra on the very date of occurrence, narrating a clear and cogent account of the incident wherein his wife Smt. Deepshikha Mishra found a love letter in the courtyard of their house allegedly written by the daughter of the petitioner, which, upon being conveyed to the petitioner, led to the petitioner visiting the complainant's house at about 9:45 PM and abusing him in filthy language, threatening to kill him, assaulting him with fists and attempting to strangle him, causing injuries on his right hand and right cheek, an incident witnessed by his wife and duly captured in the CCTV footage installed at his

residence. It is submitted that on the basis of the said complaint, the police registered the FIR, medically examined the injured complainant, prepared the spot map, seized the CCTV footage in the presence of witnesses, recorded the statements of eyewitnesses including Smt. Deepshikha Mishra and Aher Singh Kshatriya, and upon a thorough and fair investigation, found prima facie material establishing the commission of offences under Sections 296, 351(3) and 115(2) of the BNS, 2023, leading to filing of the charge-sheet before the learned Judicial Magistrate First Class, Kasdol in Criminal Case No. 1514/2025.

7. Learned counsel vehemently denies the petitioner's assertion of any long-standing property dispute between the parties and submits that the civil plaint relied upon by the petitioner itself demonstrates that no such dispute exists between the applicant and respondent No. 3, and that the plea of false implication on account of property dispute is a concocted defence raised only to evade trial. It is further contended that the petitioner's status as a public servant does not grant her any immunity from criminal prosecution, particularly when there exists direct eyewitness testimony and electronic evidence supporting the prosecution case, and that the truthfulness or otherwise of the allegations can only be tested during a full-fledged trial. It is therefore submitted that prima facie offences are clearly made out against the applicant, the application for quashment has been filed on false and fabricated grounds to avoid facing trial, and if allowed, would

result in grave miscarriage of justice to respondent No. 3, hence the petition deserves to be dismissed in the interest of justice.

8. We have heard learned counsel for the parties and perused the documents appended with this petition.
9. 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 uncontroverted 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.”

10. 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 arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused.”

11. Having heard learned counsel for the parties at length and upon careful perusal of the FIR, charge-sheet and the material placed on record, this Court finds that the continuation of the impugned criminal proceedings would amount to an abuse of the process of law. Even if the allegations made in the FIR are taken at their face value and accepted in their entirety, the essential ingredients of the offences alleged under Sections 115(2), 296 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 are not prima facie made out against the petitioner. In particular, Section 296 BNS is attracted only when the alleged act is committed in a “public place”,

whereas the FIR itself unequivocally discloses that the alleged incident occurred within the private residence of the complainant, thereby taking the case outside the ambit of the said provision. The material on record further reflects that the parties are closely related and that the criminal proceedings have emanated from an inter se family dispute, which has given rise to civil litigation already pending before the competent civil court, and the criminal law has been set in motion to settle scores and exert pressure rather than to redress a genuine criminal wrong. This Court is also of the view that the allegations are predominantly personal in nature, lack independent corroboration of a grave or serious offence, and do not disclose any offence of such magnitude warranting continuation of criminal prosecution.

12. In view of the settled principles governing exercise of inherent jurisdiction, as enunciated by the Hon'ble Supreme Court in the matter of Bhajan Lal (supra) and other authoritative pronouncements, this Court is satisfied that the present case squarely falls within the category where the criminal proceedings are manifestly attended with mala fide and are instituted with an ulterior motive. Consequently, allowing the prosecution to proceed would result in unnecessary harassment of the applicant and miscarriage of justice. Accordingly, the petition is **allowed**, and FIR No. 0325/2025 dated 08.05.2025 registered at Police Station Kasdol, District Balodabazar–Bhatapara (C.G.) and the consequential Charge-sheet No. 428/2025 dated 25.07.2025,

along with all proceedings arising therefrom in Criminal Case No. 1514/2025 pending before the learned Judicial Magistrate First Class, Kasdol, are hereby quashed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet