



CGHC010262372026



2026:CGHC:30820-DB

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1873 of 2026**

Rakesh Gupta S/o Rajkumar Gupta Aged About 30 Years R/o Village-Sanna, Thana- Sanna, Tahsil- Bagicha, District- Jashpur (C.G.)

**... Petitioner(s)****versus**

1. State of Chhattisgarh Through The Station House Officer, Police Station, Anusuchit Jati Kalyan (Ajak) Jashpur, District- Jashpur (C.G.)
2. Smt. Roshni Tirkey Tahsildar, Tahsil- Sanna, District- Jashpur (C.G.) (Compainant)

**...Respondent(s)**

(Cause-title taken from Case Information System)

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| For Petitioner       | : | Mr. Manoj Chauhan, Advocate.                |
| For Respondent/State | : | Mr. Saumya Rai, Deputy Government Advocate. |

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****21.07.2026**

1. Heard Mr. Manoj Chauhan, learned counsel for the petitioner. Also heard Mr. Saumya Rai, learned Deputy Government Advocate, appearing for the State/respondent No. 1.

2. The present petition has been filed by the petitioner with the following prayers:

*“I. Allow this petition under Section 528 of BNSS filed by the petitioner.*

*II. Quash the impugned FIR dated 10.02.2026 bearing Crime No. 01/2026 registered at Police Station, Anusuchit Jati Kalyan (AJAK) Jashpur, District Jashpur (C.G.) for the offence under Section 296, 74, 75(1),(i)(ii)(iv), and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1) ( ढ), 3(1)( ँ) and 3(2-v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as per final charge-sheet) against the petitioner.*

*III. Quash the impugned final report (charge-sheet) dated 09.04.2026 filed by Police Station, Anusuchit Jati Kalyan (AJAK) Jashpur, District Jashpur (C.G.) before the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Jashpur, District Jashpur (C.G.) for the offence under Section 296, 74, 75(1),(i)(ii)(iv), and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1) ( ढ), 3(1)( ँ) and 3(2-v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. (Annexure P/1).*

*IV. Quash the impugned cognizance order dated 08.05.2026 passed by the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Jashpur, District Jashpur (C.G.).*

*V. Quash the entire criminal proceedings pending in Special Criminal Case SC/ST Act No. 12 of 2026*

*before the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Jashpur, District Jashpur (C.G.).*

*VI. Grant any other relief, which may be deemed fit in given facts and circumstances of the case, in favour of petitioner.”*

3. Learned counsel for the petitioner submits that the petitioner is an elected Member of the Block Development Committee (BDC), Sanna, District Jashpur (C.G.), representing the concerned territorial constituency, and is also a practicing Advocate. Being a public representative, it was his duty to safeguard public interest and to seek information regarding governmental actions affecting the residents of his constituency. He further submits that on 28.10.2025, the petitioner received telephonic information from Shri Ashok Gupta and other villagers that the residential house of Shri Ashok Gupta was being demolished by respondent No.2, Smt. Roshni Tirkey, Tahsildar, Sanna, by using a bulldozer without issuing any prior notice and without following the due process of law. Upon receiving such information, the petitioner immediately proceeded to the spot in discharge of his public duties to ascertain the factual position and to seek information regarding the legality of the demolition proceedings.

4. Learned counsel for the petitioner would submit that when the petitioner sought details regarding the action being undertaken, respondent No.2 neither furnished any information nor explained the legal basis of the demolition. Instead, she allegedly behaved in an arbitrary, insulting and unbecoming manner towards the petitioner. It is

further submitted that respondent No.2 threatened the petitioner that if he continued to question her official actions and raise public grievances, she would falsely implicate him in a criminal case under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, send him to jail and ruin his political career. She also described the petitioner as an outsider and attempted to portray him as anti-tribal, despite the petitioner's clarification that he had visited the spot solely in his capacity as an elected public representative to seek information regarding official action.

5. It is further contended by the learned counsel for the petitioner that on the very same day, Shri Ashok Gupta, whose residential construction was being demolished, along with other villagers present at the spot, submitted a written complaint before the Station House Officer, Police Station Sanna, against the arbitrary and illegal acts of respondent No.2. The petitioner also submitted a written complaint before the Sub-Divisional Officer (Revenue), Bagicha, and thereafter submitted a detailed representation dated 31.10.2025 before the Hon'ble Chief Minister of the State of Chhattisgarh seeking appropriate action against respondent No.2. He also contended that after submitting the aforesaid representation, while the petitioner was returning to his village, his vehicle was intercepted by Rishu Keshri, Ravishankar Bhagat and their associates, who allegedly assaulted him, threatened to kill him for lodging complaints against respondent No.2, and caused injuries including a fracture to one of his fingers. Although the petitioner immediately lodged a written complaint at Police Station Sanna and

underwent Medico-Legal Examination, no FIR was registered on the basis of his complaint. It is submitted that significantly, Rishu Keshri and Ravishankar Bhagat have subsequently been cited as prosecution witnesses in the present criminal case.

**6.** Learned counsel for the petitioner further stated that respondent No.2 had been facing several complaints from villagers and public representatives alleging abuse of official position and other illegalities in the discharge of her official duties. According to the petitioner, several representations had already been submitted before the competent authorities and the villagers had also proposed to launch a public agitation against the arbitrary conduct of respondent No.2. He also submitted that the petitioner is presently protected by an interim order dated 22.04.2206 passed by the Hon'ble Supreme Court in SLP (Crl.) No. 6403 of 2026, whereby the Hon'ble Supreme Court has directed that no coercive steps shall be taken against the petitioner in connection with Crime No. 01/2026, and the petitioner has duly complied with the conditions imposed therein. He further contended that after completion of the investigation, the Police, Police Station AJAK, Jashpur, filed the charge-sheet dated 09.04.2026 and the supplementary charge-sheet dated 08.05.2026 before the learned Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Jashpur, whereafter cognizance was taken.

**7.** Assailing the impugned proceedings, learned counsel submits that the FIR, the charge-sheet, the supplementary charge-sheet and the

order taking cognizance are wholly illegal, arbitrary and liable to be quashed. It is contended that the impugned FIR is nothing but a malicious counterblast to the repeated complaints and representations submitted by the petitioner and other villagers against respondent No.2 much prior to the registration of the FIR. According to the learned counsel for the petitioner, the sequence of events clearly establishes mala fide intention and abuse of the criminal process.

8. It is further submitted by learned counsel, appearing for the petitioner that the alleged incident is stated to have occurred on 28.10.2025, whereas the FIR came to be registered only on 10.02.2026 after considerable delay, for which no satisfactory explanation has been offered. Such unexplained delay, according to learned counsel, seriously undermines the credibility of the prosecution case and indicates that the FIR is an afterthought lodged after deliberation and consultation. He also submits that the petitioner, being an elected Member of the Janpad Panchayat and a practicing Advocate, was merely discharging his public duties by questioning illegal official actions. The prosecution has, therefore, been initiated only with a view to silence and intimidate him from performing his public responsibilities. It is also submitted that the entire incident dated 28.10.2025 was videographed and that the video recording clearly depicts the true sequence of events, which completely belies the allegations levelled by respondent No.2.

9. Learned counsel for the petitioner further contends that although

the petitioner had lodged complaints regarding the threats, assault and other illegal acts committed against him, no FIR was registered by the police on his complaint, whereas the complaint made by respondent No.2 was acted upon with undue promptitude, thereby demonstrating a biased, discriminatory and unfair investigation. He submitted that the prosecution case is founded upon interested and partisan witnesses, including persons against whom the petitioner had earlier lodged complaints and who had allegedly assaulted him. Their testimonies, according to the petitioner, are inherently unreliable and require strict scrutiny.

**10.** Learned counsel for the petitioner further argues that even if the allegations contained in the FIR and the charge-sheet are accepted in their entirety, they do not disclose the essential ingredients of the offences alleged under the Bharatiya Nyaya Sanhita, 2023 or the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**11.** It is lastly submitted that the present case squarely falls within the principles laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***, reported in ***1992 Supp (1) SCC 335***, inasmuch as the criminal proceedings are manifestly attended with mala fides and have been maliciously instituted with the ulterior motive of wreaking vengeance upon the petitioner and settling personal as well as official scores. It is further contended that respondent No.2 had openly threatened the petitioner, much prior to the registration of the FIR, that

she would falsely implicate him under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act if he continued to question her official actions. The subsequent registration of the impugned FIR, according to learned counsel, lends substantial support to the petitioner's plea of mala fide exercise of power and abuse of the criminal justice process. It is also submitted that Respondent No.2, being a public servant, has initiated the criminal proceedings arising out of the discharge of her official functions only to shield her arbitrary administrative actions and to silence an elected public representative who questioned the legality of such actions.

**12.** *Per contra*, learned State counsel vehemently opposed the petition and submitted that the impugned FIR, charge-sheet, supplementary charge-sheet and the order taking cognizance do not suffer from any legal infirmity warranting interference by this Court in exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'). It is contended that the FIR discloses the commission of cognizable offences and, upon completion of investigation, sufficient material has been collected against the petitioner.

**13.** It is further submitted by the learned State counsel that the pleas raised by the petitioner relate to disputed questions of fact, which can only be adjudicated upon after appreciation of oral and documentary evidence during trial. It is further submitted that the allegations of mala fides, false implication and political vendetta constitute matters of



defence, which cannot be examined in proceedings under Section 528 of the BNSS. It is, therefore, prayed that the petition deserves to be dismissed.

**14.** We have heard learned counsel for the parties and perused the material available on record.

**15.** The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if 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, the FIR or the charge-sheet may be quashed in exercise of powers under Article 226 or inherent powers under Section 482 of the Cr.P.C. (now Section 528 of the BNSS).

**16.** The Hon'ble Supreme Court in the matters of ***Rupan Deol Bajaj v. K.P.S. Gill*** reported in ***(1995) SCC (Cri) 1059***, ***Rajesh Bajaj v. State of NCT of Delhi*** reported in ***(1999) 3 SCC 259*** and ***Medchl Chemicals & Pharma (P) Ltd. v. Biological E Ltd. & Ors*** reported in ***2000 SCC (Cri) 615***, the Supreme Court clearly held that if a prima facie case is made out disclosing the ingredients of the offence, Court should not quash the complaint. However, it was held that if the allegations do not constitute any offence as alleged and appear to be patently absurd and improbable, Court should not hesitate to quash the complaint. The note

of caution was reiterated that while considering such petitions the Courts should be very circumspect, conscious and careful. Thus, there is no controversy about the legal proposition that in case a prima facie case is made out, the FIR or the proceedings in consequence thereof cannot be quashed.

**17.** In *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315*, the Hon'ble Supreme Court has authoritatively settled the scope of the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the BNSS). The Hon'ble Apex Court has held that the power to quash criminal proceedings is required to be exercised sparingly, with circumspection and only in the rarest of rare cases. It has been categorically observed that while considering a prayer for quashing an FIR or criminal proceedings, the High Court cannot embark upon an enquiry into the reliability, genuineness or otherwise of the allegations contained in the FIR, nor can it appreciate the evidence or conduct a mini trial. The Court is only required to examine whether the allegations, if taken at their face value, disclose the commission of a cognizable offence. The Supreme Court further emphasized that criminal proceedings ought not to be scuttled at the threshold, that investigation into cognizable offences should ordinarily be permitted to proceed unhindered, and that the extraordinary jurisdiction under Section 482 Cr.P.C. must be exercised with great caution and self-restraint, save in exceptional cases where non-interference would result in manifest miscarriage of justice.

18. Very recently, in ***Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another (Criminal Appeal No. 3831 of 2025, decided on 02.09.2025)***, the Hon'ble Supreme Court reiterated the aforesaid principles and further held that while exercising jurisdiction under Section 482 Cr.P.C. (now Section 528 of the BNSS), the High Court cannot adjudicate disputed questions of fact or evaluate the evidentiary worth of the material collected during investigation. The Court reaffirmed the test laid down in *Rajiv Thapar v. Madan Lal Kapoor* and observed that criminal proceedings can be quashed at the threshold only when the material relied upon by the accused is of sterling and impeccable quality, completely demolishes the prosecution case, remains incapable of being refuted by the prosecution, and continuation of the criminal proceedings would amount to an abuse of the process of Court. Unless all these parameters are cumulatively satisfied, the High Court ought not to interfere in exercise of its inherent jurisdiction, leaving the parties to establish their respective cases before the trial Court in accordance with law.

19. In the present case, a perusal of the FIR, the charge-sheet, the supplementary charge-sheet and the material collected during investigation reveals that the complainant/victim, who was posted as Tahsildar, Sanna, District Jashpur, has levelled specific allegations against the petitioner. According to the prosecution, while she was discharging her official duties in connection with an enquiry relating to an alleged unauthorized construction, the petitioner abused and intentionally insulted her by uttering caste-related remarks in public

view. It is further alleged that on 28.01.2026, when the victim was returning from the Tahsil Office to her residence, the petitioner intercepted her vehicle, forcibly dragged her out, criminally intimidated her, used obscene and caste-related abusive language, outraged her modesty by touching her person without her consent and made unwelcome sexually coloured remarks. On the basis of the complaint lodged by the victim, Crime No.01/2026 came to be registered for the offences alleged under the Bharatiya Nyaya Sanhita, 2023 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**20.** During the course of investigation, the Investigating Officer recorded the statements of the witnesses acquainted with the facts of the case, collected the relevant material and, being satisfied that a prima facie case was made out against the petitioner, submitted the charge-sheet dated 09.04.2026 before the Court of the learned Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Subsequently, after completion of the remaining investigation and the appearance of the petitioner pursuant to the interim protection granted by the Hon'ble Supreme Court, a supplementary charge-sheet dated 08.05.2026 was also filed before the competent Court. Thus, the investigation culminated in submission of the final report after collection of material which, according to the Investigating Agency, disclosed the commission of cognizable offences by the petitioner.

**21.** The principal grounds urged by the petitioner are that the criminal proceedings are a counterblast to the complaints made by him against respondent No.2; that respondent No.2 had earlier threatened to falsely implicate him under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act; that the FIR has been maliciously instituted; that there has been delay in registration of the FIR; that the petitioner was himself assaulted by certain persons who have subsequently been cited as prosecution witnesses; that the investigation is biased; and that the incident was videographed, which according to the petitioner falsifies the prosecution story. In the considered opinion of this Court, all these submissions constitute the defence of the petitioner and involve seriously disputed questions of fact. Whether the allegations made by the petitioner are correct or whether the prosecution version is truthful are matters which necessarily require appreciation of evidence and cannot be adjudicated in proceedings under Section 528 of the BNSS.

**22.** It is well settled that while exercising jurisdiction for quashing criminal proceedings, this Court is not expected to conduct a roving enquiry into the correctness or otherwise of the allegations or to examine the probative value of the evidence collected during investigation. The defence sought to be projected by the petitioner, including the plea that the proceedings are actuated by mala fides or are a consequence of previous complaints made against respondent No.2, cannot by themselves furnish a ground for quashing the criminal proceedings when the FIR and the material collected during

investigation disclose the commission of cognizable offences. Even assuming that the petitioner had earlier submitted complaints against respondent No.2 or that civil or political disputes existed between the parties, the same cannot ipso facto render the prosecution non-maintainable, particularly when the allegations made by the victim are specific and have been found by the Investigating Agency to warrant prosecution.

**23.** So far as the contention regarding delay in lodging the FIR is concerned, the same also cannot be examined in isolation at this stage. Whether such delay stands satisfactorily explained and what effect, if any, it has on the prosecution case are matters to be considered by the learned trial Court after the parties adduce evidence. Likewise, the plea that the incident was videographed and that such recording disproves the prosecution version involves appreciation of evidence, which is wholly impermissible while exercising jurisdiction under Section 528 of the BNSS. The evidentiary value, admissibility and authenticity of such material can only be examined during the course of trial.

**24.** This Court also finds that the allegations made in the FIR cannot be said to be so absurd, inherently improbable or patently frivolous that no prudent person could reach a conclusion that a prima facie case is made out against the petitioner. On the contrary, the FIR contains specific allegations regarding intentional insult by using caste-related expressions, criminal intimidation, use of obscene language and acts amounting to outraging the modesty of the victim, all of which have

been duly investigated by the Investigating Agency. Whether these allegations are ultimately proved or not is a matter exclusively within the domain of the learned trial Court.

**25.** The reliance placed by the petitioner upon the judgment of the Hon'ble Supreme Court in ***Bhajan Lal*** (supra) is of no assistance in the facts of the present case. The present matter does not fall within any of the exceptional categories enumerated therein warranting exercise of the extraordinary jurisdiction for quashing criminal proceedings. The allegations contained in the FIR, read along with the statements recorded during investigation and the material collected by the Investigating Agency, prima facie disclose the commission of cognizable offences. At this stage, this Court cannot record a finding that the prosecution has been maliciously instituted or that the allegations are inherently improbable.

**26.** Applying the principles laid down by the Hon'ble Supreme Court in ***Neeharika*** (supra) and ***Pradeep Kumar Kesharwani*** (supra), this Court is of the considered opinion that the present case does not warrant interference in exercise of the inherent jurisdiction under Section 528 of the BNSS. The pleas raised by the petitioner are essentially matters of defence, which can be effectively urged before the learned trial Court during the course of trial. At this stage, the material placed on record prima facie discloses the commission of cognizable offences and, therefore, continuation of the criminal proceedings cannot be said to amount to abuse of the process of law.

**27.** Consequently, finding no merit in the present petition, the same deserves to be and is hereby **dismissed**. It is, however, made clear that the observations made herein are confined only to the adjudication of the present petition under Section 528 of the BNSS, and shall not be construed as an expression on the merits of the case. The learned trial Court shall proceed with the trial independently and decide the matter strictly in accordance with law, uninfluenced by any observation made in this order.

**Sd/-  
(Ravindra Kumar Agrawal)  
Judge**

**Sd/-  
(Ramesh Sinha)  
Chief Justice**