



2026:CGHC:2632-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 240 of 2021

Sharad Agrawal S/o Shri Brij Bihari Agrawal Aged About 30 Years R/o M-li, 48, Phase-2, Kabir Nagar, P. S. Kabir Nagar, Raipur District Raipur Chhattisgarh

--- Petitioner

Versus

1 - State of Chhattisgarh Through The Thana Incharge, Purani Basti Raipur District Raipur Chhattisgarh

2 - Umesh Agrawal S/o Late Shrikant Agrawal Aged About 40 Years R/o Baniyapara, Near Agrawal Aata Chakki, Purani Basti, Raipur, District - Raipur (C.G.)

--- Respondents

CRMP No. 2082 of 2022

1 - Umesh Agrawal S/o Late Shri Shrikant Agrawal Aged About 44 Years R/o Agrawal Aata Chakki, Near Gopidas Goal Mandir, Gopiyapara, Police Station Purani Basti, District : Raipur, Chhattisgarh

2 - Rajesh Agrawal S/o Late Shri Shrikant Agrawal Aged About 45 Years R/o Agrawal Aata Chakki, Near Gopidas Goal Mandir, Gopiyapara, Police Station Purani Basti, District : Raipur, Chhattisgarh

---Petitioners

Versus

1 - State of Chhattisgarh Through The Secretary, Ministry Of Home, New Mantralaya, Indravati Bhavan, Atal Nagar, New Raipur, Chhattisgarh.

2 - Superintendent of Police (S.P.) District Raipur, Chhattisgarh.

3 - The Station House Officer (S.H.O.) Police Station Kabir Nagar, District : Raipur, Chhattisgarh

4 - Smt. Sharda Agrawal S/o Late Shivendra Agrawal R/o M2/48, Phase2, Kabir Nagar, District : Raipur, Chhattisgarh

5 - Rajesh Kumar. B. Singh Investigating Officer, Police Station Kabir Nagar, District : Raipur, Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner in CRMP No.240/2021	:	Mr. J.K. Gupta, Advocate
For Petitioners in CRMP No.2082/2022 and Respondent No.2 in CRMP No.240/2021	:	Mr. Devershi Thakur, Advocate
For State	:	Mr. Priyank Rathi, Government Advocate
For Respondent No.4 in CRMP No.2082/2022	:	Ms. Aditi Singhvi, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

16.01.2026

1. Heard Mr. J.K. Gupta, learned counsel for the petitioner in CRMP No.240/2021 and Mr. Devershi Thakur, learned counsel for the petitioners in CRMP No.2082/2022 and respondent No.2 in CRMP No.240/2021. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State and Ms. Aditi

Singhvi, learned counsel appearing for respondent No.4 in CRMP No.2082/2022.

2. In CRMP No.240/2021, the petitioner has prayed for following relief(s) :-

"It is therefore prayed that this Hon'ble Court may kindly be pleased to allow the instant review application and order dated 31.10.2025 passed in WPPIL No. 85/2025 particularly the directions contained in Paragraph 16 thereof may kindly be reviewed in larger interest of Justice."

3. In CRMP No.2082/2022, the petitioners have prayed for following relief(s) :-

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the petition and quash the impugned FIR and entire criminal proceedings initiated against the petitioners pursuant to impugned FIR bearing crime no.192/2021 for the offences punishable U/s 67,67(a) of I.T Act & Sec. 506 of 1.P.C at P.S.-Kabir Nagar, Dist: Raipur (CG), in the interest of Justice.

It is further humbly & most respectfully prayed that this Hon'ble Court may kindly be pleased to direct to direct the respondent authorities to proceed against the private respondents per law along with Any other relief or reliefs that may be deemed fit and proper in the facts and circumstances of the case may kindly also be granted in the interest of justice."

4. Brief facts of CRMP No.240/2021 are as follows :-

- A complaint was lodged by the complainant, Shri Umesh Agrawal, S/o Shrikant Agrawal, Resident of Baniya Para, Purani Basti, Raipur, District Raipur (C.G.), who is the elder brother of the brother-in-law of the petitioner. The complaint was filed on the apprehension that the petitioner was in possession of a mobile number from which obscene WhatsApp messages and erotic calls were allegedly received by the complainant, his wife, and his younger brother (brother-in-law of the petitioner). On the basis of the said complaint, FIR No. 0279 was registered.
- Pursuant to registration of the FIR, the respondent police initiated investigation and arrested the petitioner on 26.08.2019. During the course of investigation, one laptop and two mobile phones were seized from the possession of the petitioner.
- Thereafter, a final charge-sheet dated 23.10.2019 was filed, which was primarily based on photocopies of screenshots allegedly taken from the mobile phones of the complainant and other persons. The seized laptop and mobile phones were sent to the Forensic Science Laboratory for analysis.
- The petitioner remained in judicial custody from 26.08.2019 and was subsequently enlarged on bail by order of this Court passed in MCRC No. 6500/2019 dated 22.11.2019.

- During the pendency of the trial, the petitioner filed an application under Section 91 of the Code of Criminal Procedure seeking a direction to the Trial Court to call for and produce certain relevant documents, particularly the Call Detail Records (CDRs) of the petitioner as well as of the complainant for the period 01.06.2010 to 03.08.2019, as the same were essential for proper adjudication of the case.
- Despite the specific request for production of the said documents, no reply was filed by the respondent, which fact is duly reflected in the order sheets of the Trial Court.
- Upon careful scrutiny of the materials placed on record along with the charge-sheet, including the photocopies of screenshots and the available CDRs, it is evident that no *prima facie* case is made out against the petitioner and the alleged offences are not substantiated by cogent or legally admissible evidence.
- In these circumstances, the petitioner has been constrained to file the present CRMP No. 240/2021, seeking appropriate relief from this Court, as continuation of the criminal proceedings against the petitioner would amount to abuse of the process of law.

5. Brief facts of CRMP No.2082/2022 are as follows :-

- An FIR dated 07.11.2021 was registered alleging that the

present petitioners had used electronic modes to upload indecent chats, messages and photographs of the complainant and her minor daughter on social media and WhatsApp. On the basis of the said allegations, a complaint was lodged before Police Station, Raipur, District Raipur (C.G.), leading to registration of the impugned FIR.

- It is relevant to note that despite the said complaint, initially no action was taken against the present petitioners, and instead Sharad Agrawal, brother of the complainant Smt. Sharda Agrawal (Respondent No.4), was proceeded against. Subsequently, Respondent No.4 preferred Writ Petition (Criminal) No. 539/2021, pursuant to which the present FIR came to be registered, alleging involvement of the petitioners in the alleged acts.
- The petitioners were arrested in connection with the impugned crime and were later enlarged on bail by this Court in MCRC No. 4493/2022. After their release, the petitioners came to know that while filing the charge-sheet, material facts were deliberately suppressed by the investigating agency, particularly the earlier complaints and enquiries wherein allegations against Sharad Agrawal had been found to be *prima facie* true. No permission under Section 173(6) Cr.P.C. was sought for withholding such vital documents.
- In a connected matter, upon a complaint made by

Respondent No.4, another FIR was registered at Police Station Kabir Nagar, Raipur being Crime No. 192/2021, in which the petitioners apprehended arrest and approached this Court. Considering the facts and circumstances, this Court was pleased to grant anticipatory bail by order dated 28.07.2022.

- The petitioners submit that the impugned FIR is a direct consequence of pressure exerted through WPCR No. 539/2021, and is nothing but an arm-twisting measure adopted by the complainant to shield her brother Sharad Agrawal, who is accused in multiple cases involving similar allegations of misuse of electronic media for sexually abusive content.
- The petitioners themselves are victims of repeated harassment through electronic means. In this regard, Crime No. 279/2019 was registered at Police Station Purani Basti, Raipur under Sections 507 IPC and 67-A of the IT Act, wherein investigation revealed that the incriminating mobile number belonged to Sharad Agrawal. He was granted bail in MCRC No. 6500/2019 and subsequently challenged the charge-sheet in CRMP No. 240/2021.
- Several complaints lodged by the petitioners and their family members, including Late Shri Shivendra Agrawal (husband of the complainant), relating to identical modus operandi

adopted by Sharad Agrawal, have been ignored or deliberately omitted from consideration in the present case.

Multiple FIRs, enquiries and CBCID reports have consistently indicated Sharad Agrawal's involvement in such offences.

- The petitioners submit that continuation of the criminal proceedings against them is a gross abuse of the process of law, as no *prima facie* case is made out against them even if the prosecution case is accepted *in toto*. The investigation has been conducted in a biased and unfair manner, suppressing material evidence favourable to the petitioners.
- Hence, the petitioners have been constrained to file the present CRMP No. 2082/2022, seeking appropriate relief(s), including quashment of the impugned FIR/charge-sheet and directions for a fair and proper investigation, as continuation of the proceedings would amount to an abuse of the process of law.

6. Mr. J.K. Gupta, learned counsel for the petitioner in CRMP No.240/2021 submits that the impugned charge-sheet is illegal from its very inception and, therefore, liable to be quashed. Learned counsel submits that the entire prosecution case rests merely on photocopies of screenshots, purportedly taken from the mobile phone of the complainant, without the complainant's mobile phone ever being seized, examined, or sent for forensic analysis. No investigation whatsoever was carried out either by

the respondent police or by the Forensic Science Laboratory in respect of the complainant's device, rendering the foundation of the charge-sheet wholly unsustainable.

7. It is contended by Mr. Gupta that the alleged obscene screenshots were, in fact, received on the mobile phone of the real sister of the petitioner, bearing mobile number 9300608842, and not on the mobile phones of the complainant or his family members. Copies of such screenshots, obtained from the petitioner's sister, have been placed on record. Despite this, the investigating agency, acting in collusion with the complainant, has falsely implicated the petitioner without conducting a fair, scientific, and legally permissible investigation. He further submits that the investigation is vitiated by mala fide intent, as no effort was made to obtain critical electronic evidence such as WhatsApp server logs, call logs, IP addresses, cache data, or temporary files either from the service providers or from WhatsApp itself. In the absence of such primary electronic evidence, no charge-sheet could legally have been filed merely on the basis of unverified photocopies of screenshots.
8. It is also pointed out by Mr. Gupta that the alleged WhatsApp profile name "M1" is shown to have been created on 24.02.2009, a period when WhatsApp did not even exist, clearly demonstrating that the prosecution story is inherently absurd and fabricated. This singular fact itself demolishes the credibility of the

charge-sheet and shows non-application of mind by the investigating officer. He emphasizes that information obtained under the Right to Information Act, 2005, categorically establishes that the mobile numbers of the complainant and his family members were never seized, nor were any panchnamas prepared, nor were the devices forwarded for forensic or cyber examination. Thus, the charge-sheet filed solely on photocopies is per se illegal.

9. It is argued by Mr. Gupta that although certain mobile numbers allegedly belonging to the petitioner were seized and purportedly sent to the FSL, no forensic report whatsoever has been received till date. One of the seized devices was a basic keypad mobile phone, incapable of supporting WhatsApp due to the absence of a compatible operating system. In the absence of any forensic confirmation, the continuation of prosecution is an abuse of the process of law. He further submits that even the petitioner's sister, while deposing before the Women Cell, categorically stated that although she had received certain calls, the voice was not of the petitioner and that such acts could only be carried out by a technically skilled third party. These crucial statements have been ignored by the investigating agency.
10. Lastly, it is contended by Mr. Gupta that despite claims of mental harassment made by the complainant, no incriminating material was recovered from the mobile phones of the complainant's wife

or the wife of his younger brother. In the absence of legally admissible electronic evidence linking the petitioner to the alleged offence, the impugned charge-sheet does not disclose the commission of any offence and is therefore liable to be quashed to prevent miscarriage of justice and abuse of the criminal process.

11. Mr. Devershi Thakur, learned counsel for the petitioners in CRMP No.2082/2022 and respondent No.2 in CRMP No.240/2021 submits that the impugned FIR is nothing but an arm-twisting measure, engineered only to create a defence and protective shield for the complainant's brother Sharad Agrawal, who, as borne out even from the CBCID reports, is the real perpetrator of the alleged heinous acts. The entire prosecution case against the petitioners is tainted by mala fides, as there exist multiple reports and materials contradicting the very genesis and narration of the alleged crime. He further submits that the complainant and other family members had initially lodged complaints against unknown persons, and upon discovering the involvement of Sharad Agrawal, instead of allowing the investigation to reach its logical conclusion, she invoked WPCR No. 539/2021 only to fabricate a ground so as to divert the investigation and falsely implicate the petitioners. It is urged that the petitioners are being prosecuted for acts admittedly committed by Sharad Agrawal, thereby subjecting them to gross abuse of the criminal process.

12. It is submitted by Mr. Thakur that the investigation suffers from serious procedural irregularities, inasmuch as vital documents, statements and expert reports recorded during investigation, including those favourable to the accused have been deliberately withheld, without any application or justification under Section 173(6) Cr.P.C. He emphasizes that the prosecution has never claimed any privilege before the Trial Court, nor furnished reasons in writing for suppressing such material, as mandatorily required by law. Placing reliance on the judgment of the Hon'ble Supreme Court in ***Vinay Tyagi v. Irshad Ali, (2013) 5 SCC 762***, it is contended that a fair, impartial and honest investigation is an integral part of criminal jurisprudence, and the endeavour of the investigating agency must always be to bring the truth before the Court, not to secure a conviction by suppressing the material facts.
13. Mr. Thakur lastly submits that the contradictions apparent on the face of the complaint and the FIR, coupled with suppression of material evidence, clearly demonstrate that the investigating agency has acted hand-in-glove with the complainant. Continuation of the criminal proceedings against the petitioners would therefore result in grave miscarriage of justice and the same may be quashed.
14. On the other hand, Mr. Priyank Rathi, learned Government Advocate appearing on behalf of the State submits that the

charge-sheet has been filed after due investigation in accordance with law; the materials collected during investigation disclose a *prima facie* case against the accused; the scope of interference at this stage is limited; and the disputed questions of fact, including appreciation of electronic evidence, can only be adjudicated during trial. It is therefore contended that no ground is made out for quashment of the FIR or charge-sheet and the petitions deserve to be dismissed.

15. Ms. Aditi Singhvi, learned counsel appearing for respondent No.4 in CRMP No.2082/2022 submits that the present petition is wholly misconceived, vexatious and an abuse of the process of law, filed with an oblique motive to derail the criminal proceedings arising out of serious and heinous allegations involving transmission of obscene and sexually explicit material through electronic modes, including against a minor child. It is submitted that the impugned FIR dated 07.11.2021 was registered strictly in accordance with law on the basis of specific allegations made by the complainant, which clearly disclose the commission of cognizable offences. The contents of the FIR, read as a whole, *prima facie* make out offences under the relevant provisions of the IPC and the Information Technology Act, and therefore no interference is warranted in the exercise of inherent jurisdiction.
16. Ms. Singhvi submits that respondent No.4 emphatically denies the allegation that the FIR is an arm-twisting measure or that it

has been lodged to save her brother, Sharad Agrawal. It is submitted that such allegations are baseless, speculative and malicious, aimed solely at shifting the focus away from the culpability of the petitioners. The attempt to rely upon selective portions of prior complaints, parallel proceedings, or third-party reports is a matter of defence, which cannot be gone into at the stage of considering a petition for quashment. She submits that the investigation was carried out by the competent police authorities and culminated in filing of the charge-sheet after due application of mind. The petitioners' contention that certain devices were not seized or that forensic examination is allegedly deficient raises disputed questions of fact, which require appreciation of evidence and expert opinion and are therefore matters exclusively within the domain of the trial Court.

17. It is submitted by Ms. Singhvi that the reliance placed by the petitioners on alleged contradictions, WhatsApp log data, IP addresses, or forensic reports pertains to issues of evidentiary value and admissibility, which cannot be assessed in proceedings under Section 482 Cr.P.C. At this stage, the court is only required to see whether the uncontested allegations and material collected disclose the commission of an offence, which they clearly do. The petitioners are attempting to give a colour of mala fides to a lawful prosecution by making sweeping allegations against the complainant, investigating officers and even superior authorities, without any cogent or acceptable material on record.

Mere allegations of bias or unfair investigation do not, by themselves, constitute a ground for quashing a charge-sheet.

18. It is contended by Ms. Singhvi that the petitioners have been afforded all procedural safeguards, including grant of bail, and have adequate remedies before the Trial Court to seek production of documents, cross-examine witnesses and challenge the prosecution evidence in accordance with law. The extraordinary jurisdiction of this Court cannot be invoked to conduct a mini-trial or to pre-empt a lawful prosecution. She further submits that crimes involving cyber-offences, obscenity and exploitation through electronic media, particularly where a minor is involved, have serious societal ramifications, and such matters ought to be tried on merits rather than being scuttled at the threshold.
19. We have heard learned counsel appearing for the petitioners, the learned State counsel, as well as learned counsel appearing for the private respondent, at length, and have carefully examined and considered the pleadings, the rival submissions advanced on behalf of the parties, the documents and annexures placed on record along with the petitions, as also the material relied upon during the course of arguments.
20. In **CRMP No. 240/2021**, it is evident that the foundation of the impugned charge-sheet is based entirely on photocopies of screenshots allegedly received on mobile phones purportedly

belonging to the complainant and his family members. The investigation record demonstrates that no attempt was made to seize, examine, or analyze the devices of the complainant or his family, nor were critical electronic evidences such as WhatsApp server logs, IP addresses, call logs, cache data, or temporary files sought from the service provider. The alleged WhatsApp profile “M1” predates the inception of WhatsApp, clearly indicating fabrication. Further, the petitioner’s sister has categorically stated that the calls in question were not of the petitioner and could have only been made by a technically skilled third party. The absence of legally admissible electronic evidence renders the charge-sheet wholly unsustainable and continuation of proceedings would constitute an abuse of process.

21. In **CRMP No. 2082/2022**, the Court notes that the petitioners have been implicated in proceedings which, *prima facie*, appear to be motivated by an intent to shield another individual, Sharad Agrawal, who has been repeatedly found to be the actual perpetrator in similar instances. Multiple complaints, FIRs, and expert reports indicate the involvement of Sharad Agrawal, while the petitioners have been falsely implicated. The investigation suffers from procedural irregularities, including suppression of material evidence favorable to the petitioners, in violation of the mandate of Section 173(6) Cr.P.C., as highlighted in the judgment of the Hon’ble Supreme Court in ***Vinay Tyagi*** (supra). Continuation of the criminal proceedings against the petitioners

would therefore amount to gross abuse of the process of law.

22. This Court recognizes that the extraordinary powers under Section 482 Cr.P.C. are to be exercised sparingly and with due caution, primarily to prevent miscarriage of justice or abuse of the process of law. In the present cases, the Court finds that:

- The investigation in both matters is marred by material irregularities and suppression of critical electronic evidence.
- The charge-sheets are founded on unverified, photocopied material which does not constitute legally admissible evidence.
- *Prima facie*, no offence is made out against the petitioners in the absence of proper forensic corroboration or examination of devices.
- There exists a clear possibility of *mala fide* motive and manipulation of legal process in both cases, resulting in harassment of the petitioners.

23. In view of the above, the Court is satisfied that the continuation of criminal proceedings in CRMP No.240/2021 and CRMP No.2082/2022 would result in manifest injustice to the petitioners and would constitute abuse of the process of law. Accordingly, in exercise of its inherent jurisdiction, the Court deems it just, proper, and necessary to intervene at this stage to prevent such injustice.

24. Accordingly, in CRMP No. 240/2021:

- a) The impugned charge-sheet dated 23.10.2019, filed in connection with FIR No. 0279/2019 at Police Station Purani Basti, Raipur, is hereby quashed.
- b) All criminal proceedings arising therefrom, including further investigation or trial, are stayed and shall not be continued against the petitioner.
- c) The respondent authorities are directed not to take any coercive action against the petitioner in relation to the said FIR.

25. In CRMP No. 2082/2022:

- a) The impugned FIR dated 07.11.2021 bearing Crime No. 192/2021 at Police Station Kabir Nagar, Raipur, and the entire criminal proceedings emanating therefrom, are hereby quashed.
- b) All coercive steps, including arrest, investigation, or trial proceedings against the petitioners arising from the said FIR, shall cease forthwith.
- c) The respondent authorities are directed to ensure that the petitioners are not subjected to harassment or intimidation in any form in connection with the said FIR.

26. In the result, both CRMP No.240/2021 and CRMP No.2082/2022 are allowed in their entirety, and the impugned FIRs, charge-

sheets, and all criminal proceedings arising therefrom stand quashed to prevent further harassment of the petitioners and to safeguard the principles of justice.

27. A certified copy of this order shall be forwarded to the trial Court concerned for its information and necessary compliance forthwith, and the authorities concerned are directed to act strictly in accordance with the directions contained in this order.
28. There shall be no order as to costs.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Anu