



2026:CGHC:2977-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 18 of 2026

1 - Mishri Lal Pandey (M.L. Pandey) S/o Late Durga Prasad Pandey Aged About 70 Years Retired Additional Director, Directorate Social Welfare, R/o E4, Sector 2, Agroha Society, In Front Of Hr Tower, Raipur Chowk, District- Raipur (C.G.)

... Petitioner(s)

versus

1 - Union Of India Through Home Secretary, Ministry Of Home Affairs India, North Block, Cabinet Secretariat, Raisina Hills New Delhi New Delhi

2 - State Of Chhattisgarh Through Chief Secretary, Mahanadi Bhawan, Mantralaya Atal Nagar Nawa Raipur District- Raipur (C.G.)

3 - Central Bureau Of Investigation C.B.I Chhattisgarh Through The Superintendent Of Police, Cbi, Ac-Iv, Bhopal (Madhya Pradesh)

4 - Kundan Singh Thakur S/o Shri Hari Singh Thakur Aged About 43 Years R/o House No. 3, Near Khallari Mata Mandir, P.S. City, Kushalpur Chowk, District- Raipur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Varun Sharma, Advocate
For Respondent(s) : Mr. Praveen Das, Addl. Advocate General

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

On 19.01.2026

Per Ramesh Sinha, Chief Justice

1. The present writ petition has been filed by the petitioner challenging the FIR No. RC2222020A0001 registered by Central Bureau of Investigation P.S. SPE/CBI/AC-IV/Bhopal under Sections 120B, 409, 420, 467, 468 and 471 of IPC and Section 13 (2) read with Section 13 (1)(d) of the Prevention of Corruption Act, 1988 and the petitioner claimed for the following relief:-

“10.1 That, this Hon’ble Court may kindly be pleased to set-aside/ quash the impugned first information report No. RC2222020A0001 registered at P.S. SPE/CBI/AC-IV/ Bhopal dated 05.02.2020 for offence Sections 120B, 409, 420, 467, 468 and 471 of the IPC and Section 13 (2) read with Section 13 (1)(d) of Prevention of Corruption Act, 1988, so far it relates to the petitioner.

10.2 Any other relief may also be granted by this Hon’ble Court in facts and circumstances of the case.”

2. The brief facts of the case are that the petitioner is an accused in Crime No. RC 2222020A0001, registered at SPE/CBI/AC-iv/Bhopal dated 05.02.2020. It is the allegation in the FIR that one Kundan Singh Thakur had filed a writ petition WP(Cr) No. 580/2017 before this Court which was subsequently

converted into Public Interest Litigation and registered as WPPIL No. 53/2018. In the said writ petition, the petitioner seeking appropriate order/ direction to CBI to register the FIR and to investigate the alleged embezzlement of government fund disbursed to the non-governmental organization namely State Resource Centre (in short SRC) (Rajya Shrotra Nishaktjan Sansthan) for running of Physical Referral Rehabilitation Centre (in short PRRC). It is also alleged in the FIR that the said SRC was registered in the year 2004 as a Chhattisgarh Society Registration Act, 1973 for setting up and running of PRRC for welfare of disabled and handicap persons and was given huge funds for the same. There has been no visible activities at this PRRC and no recruitment process was under taken and is running only on papers and showing the employees working at PRRC and other departments/ offices within the Chhattisgarh State, they withdrawn the huge amounts towards their salary but neither the petitioner nor any other employees of PRRC were paid any salary. It is also alleged that the salaries were shown to have been paid in cash and the said amount has been cyfund in a planned and organized manner. In the audit conducted by the finance department of the State, the withdrawal of cash amount through irregular and illegal process has been deducted and considering the material available in the writ petition, the Hon'ble Division Bench of this Court vide its order dated 30.01.2020 directed the CBI to register the FIR and to investigate the matter.

In compliance of the order passed in WPPIL No. 53/2018, the FIR has been registered for the offence under Section 120-B read with 409, 420, 467, 468, 471 of IPC and Section 13 (2) read with Section 13 (1)(d) of Prevention of Corruption Act, 1988.

3. It is also the case that the order dated 30.01.2020 passed by Hon'ble Division Bench of this Court in WPPIL No. 53/2018 was challenged by some of the respondents before the Hon'ble Supreme Court in SLP(C) No. 3553/2020, the said SLP was decided by the Hon'ble Supreme Court on 07.10.2021 and the order dated 30.01.2020 was set aside and the WPPIL No. 53/2018 was restored in its original number for being consideration afresh on its own merits and in accordance with law and the SLP was disposed of. It has also been ordered by the Hon'ble Supreme Court that until the final order is passed, no precipitative steps be taken by the CBI in connection with the said FIR. After receiving the matter back, the co-ordinate bench of this Court has again decided the WPPIL 53/2018 afresh vide its order dated 23/09/2025 and the writ petition has been disposed of with the direction to the CBI to proceed further with the said FIR registered in the case, the CBI shall seized relevant records from the concerned department within 15 days from the date of registration of FIR, if not done and the CBI shall make all possible endeavour to complete the fair and complete investigate at the earliest. The said order dated 23.09.2025, was again challenged by one of the respondent before the Hon'ble Supreme Court by

filing SLP (C) No. 36748/2025 which has been disposed of vide order dated 18.12.2025 and the order passed by the Co-ordinate Bench dated 23.09.2025 is affirmed. Since the CBI is proceeding with the investigation, the present petition has been filed by the petitioner for the aforesaid relief.

4. Learned counsel for the petitioner would submit that the impugned FIR is liable to be quashed as it does not disclose any cognizable offence against the Petitioner, who was never associated with or exercised any authority in the State Resource Centre (SRC) or the Physical Referral Rehabilitation Centre (PRRC), nor was he ever vested with any financial or drawing-disbursing powers. The FIR is founded on the order dated 07.01.2020, which has already been set aside by the Hon'ble Supreme Court, and there is no independent complaint or allegation against the Petitioner. Even the CBI, in the FIR itself, admits that no individual-wise criminal act is attributable and that the case is against unknown persons. The Hon'ble Supreme Court has further clarified that observations made in the order dated 23.09.2025 shall not influence further proceedings. No allegation of misappropriation, personal gain, demand, or acceptance of illegal gratification has ever been made against the Petitioner, rendering offences under the IPC and Prevention of Corruption Act unsustainable. The allegations of large-scale siphoning and multiple salary drawals have been found factually incorrect, and the departmental proceedings have exonerated the officials. The continuation of criminal proceedings

against a retired public servant, causing serious adverse civil consequences, is therefore an abuse of the process of law. Therefore, in view of the facts and circumstances of the case, the petition may be allowed and the impugned FIR may be quashed.

5. On the other hand, learned counsel for the CBI opposes and has submitted that there are sufficient and overwhelming material available with the CBI to proceed with the investigation in the FIR. He would also submit that there is an enquiry report submitted by the State Government in which a huge scam of embezzlement of government fund was found. The allegation against the accused persons requires a detailed investigation, which comes to a logical end. From the material annexed with the WPPIL No. 53/2018, the observation made in the orders passed by Hon'ble Co-ordinate Bench of this Court on 30.01.2020 and 23.09.2025 and also from the enquiry report, submitted by the State Government, there are prima facie sufficient material available with the CBI to proceed with the investigation. At this stage, no interference is warranted in view of the judgment of the Hon'ble Apex Court reported in (2021) 19 SCC 401, **(M/s Neeharika Infrastructure Pvt. Ltd. Vs. The State of Maharashtra & others)** and therefore, the present petition is liable to be dismissed.
6. We have heard learned counsel for the parties and perused the impugned FIR and document annexed with the petition.

7. It is the submission of learned counsel for the petitioner that the FIR does not disclose any cognizable offence against the petitioner as he has never actively acted with the affairs of SRC or PRRC. There is no allegation against the petitioner in the FIR that he personally involved in any activities with the affairs of SRC and PRRC. The observation made in the order dated 30.01.2020 or 23.09.2025 in the WPPIL No. 53/2018 does not have any bearing on further proceeding. There was no transaction of any money by the signature or authorization of the petitioner. In view of the submissions made by learned counsel for the petitioner on being prima facie examination of the material annexed with the writ petition, it transpires that the FIR discloses serious allegation of large-scale financial irregularities involving public funds of SRC and PRRC, warranting a thorough investigation by an independent agency. The FIR has been registered pursuant to judicial directions and on the basis of material indicating systemic misappropriation, and at this stage, a meticulous examination of individual roles is neither required nor permissible. The absence of specific attribution in the FIR does not invalidate the proceedings, as the conspiracy and misappropriation are matters to be unearthed during investigation. The Petitioner, being a senior government officer holding key positions during the relevant period, cannot claim immunity merely on the ground of retirement or denial of direct financial powers. The scope of interference under Section 482 CrPC is limited, and this Hon'ble

Court ought not to stifle a legitimate investigation into offences involving public money, particularly when allegations pertain to abuse of official position and criminal conspiracy.

8. As per the pleadings of the petitioner, he was posted as Deputy Director, Panchayat and Social Welfare, Dist- Durg and was an additional charge of Joint Director in the Directorate of Panchayat and Social Welfare, Raipur. He was promoted to the post of Joint Director on 13.05.2008 and posted at Directorate, Raipur. He was further promoted on the post of Addl. Director on 14.05.2013 and till his retirement. As per the enquiry report submitted by the State Government, the irregularities with respect to withdrawal of huge government fund, have been found and it was also prima facie found that the said SRC and PRRC are running only in papers there was no appointments of the employees in such concern. It is not alleged that the offence is committed on a particular date but it continued from a very long time since 2013-14 onwards. The Co-ordinate Bench of this Court vide its order dated 30.01.2020 has observed in para 21 and 22 of its order that :-

“21. Having noted the law declared and observations made by the Supreme Court in the above referred judgments and considering the same in the facts and circumstances of the case it requires serious notice that the petitioner alleges large scale bungling and siphoning of public funds which may run into hundreds of crores or even more than thousand crores. memo of the The report along with submission respondent/State partially admits of certain financial

irregularities, however, no serious attempt has been made to unearth and find out as to who has siphoned the amount. Only some notices for departmental action have been issued without registering any offence for misuse of public funds of such enormous proportion. Public office cannot be a place for acquiring personal gain. Probity in public life is of great Importance. Corruption is an enemy of nation and tracking down corrupt public servant, howsoever high he may be, and punishing such person is a necessary mandate under the Prevention of Corruption Act, 1988 and the Indian Penal Code.

22 The public officers arrayed as the respondents No. 15 to 26 are high ranked officers and it seems to be the precise reason why the respondent State is reluctant to investigate the crime to find out as to whether any criminal offence has been committed or not, however, when startling and disturbing facts have been brought to our notice with, prima facie, proof, this Court cannot shun its constitutional duty and be a mute spectator to condone such lapses, if it is eventually find out in a fair and independent investigation.”

9. When the matter was remitted back to this Court after setting aside the order dated 30.01.2020, the Co-ordinate Bench of this Court has further observed that:-

“45. In the case at hand, as submitted by learned counsel for respondent CBI that pursuant to earlier order of this Court, FIR No.RC2222020A0001 PS SPE/CBI/AC-IV/Bhopal dated 5.2.2020 is already registered, however, in compliance of the order of Hon'ble Supreme Court, it is kept in hold. Meaning thereby, FIR is already registered. Hon'ble Supreme Court has set aside earlier order of this Court dated 30.1.2020 only on the ground that private respondents were not noticed and

order is passed without hearing them. Now the respondents after notice appeared and have not disputed that they were also members of the Managing Committee. However, the report of the Chief Secretary submitted in the proceeding remain unshaken. Hence, having considered the law laid down and observations made by Hon'ble Supreme Court in above referred decisions and facts discussed above, we are of the view that the matter requires fair and independent investigation by the CBI to unearth the truth.

46. Resultantly, this writ petition is disposed of with following directions:-

- The CBI shall proceed further with FIR No.RC2222020A0001 at P.S. SPE/CBI/AC-IV/Bhopal dated 5.2.2020.
- The CBI shall seize relevant original records from the concerned department, organization and offices throughout the State within 15 days from the date of registration of FIR, if not done.
- The CBI shall make all possible endeavour to complete fair and independent investigation at the earliest.”

10. The order dated 23.09.2025 was further challenged by one of the respondent in the writ petition namely Mr. M.L. Pandey by filing SLP (C) No. 37/2025 which has been disposed of by the Hon'ble Supreme Court vide order dated 18.12.2025 and the Hon'ble Supreme Court declined to interfere with the impugned order.

11. When the allegation levelled against the accused persons and after examination of the material available in the writ petition, the co-ordinate bench of this Court directed to register the FIR and to

investigate the matter by CBI and further that the allegation is with respect to the embezzlement of huge government money which may come to more than Rs. 100 Crores. The matter certainly requires investigation by the CBI and at this stage, it cannot be said that there is no involvement of the petitioner to quash the FIR against him.

12. 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.

13. In **Neeharika Infrastructure Pvt. Ltd.** (supra), the Hon'ble Apex Court has observed that the power of quashing should be exercised sparingly with circumspection in the rarest of rare cases. While examining an F.I.R./complaint, quashing of which is sought, the Court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the F.I.R./complaint. The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the Court to be cautious. The Apex Court has

emphasized that though the Court has the power to quash the F.I.R. in suitable cases, the Court, when it exercises power under Section 482 Cr.P.C., only has to consider whether or not the allegations of F.I.R. disclose the commission of a cognizable offence and is not required to consider the case on merit. In para 23.1 to 33.15, the Hon'ble Apex Court has held that:-

23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or “no coercive steps to be adopted”, during the pendency of the quashing petition under [Section 482 Cr.P.C](#) and/or under [Article 226](#) of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or “no coercive steps to be adopted” during the investigation or till the final report/chargesheet is filed under [Section 173 Cr.P.C.](#), while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under [Section 482 Cr.P.C.](#) and/or under [Article 226](#) of the Constitution of India, our final conclusions are as under:

- i) Police has the statutory right and duty under the relevant provisions of the [Code of Criminal Procedure](#) contained in Chapter XIV of the Code to investigate into a cognizable offence;
- ii) Courts would not thwart any investigation into the cognizable offences;
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty).
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported.

Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under [Section 482 Cr.P.C.](#) is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of [R.P. Kapur](#) (supra) and [Bhajan Lal](#) (supra), has the jurisdiction to quash the FIR/complaint;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under [Section 482 Cr.P.C.](#), only has to consider whether the allegations in the FIR disclose commission of a

cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;

14. Since, the WPCr No. 17/2026 (Ashok Tiwari Vs. Union of India & Ors.) has already been dismissed vide order dated 14.01.2026, WPCr No. 24/2026 (Pankaj Verma Vs. Union of India & Ors.) has been dismissed on 16.01.2026 and WPCr No. 25/2026 (Rajesh Tiwari Vs. Union of India & Ors) has been dismissed on 16.01.2026 and the issue involved in the present petition is also similar to the issue involved in WPCr No. 17/2026, 24/2026 and 25/2026, this Court deems it appropriate not to take a view other than what what has been taken in the aforesaid three writ petitions.

15. Considering the allegations levelled in the FIR and material produced in the writ petition as well as in the light of judgment passed by the Apex Court in ***Neeharika Infrastructure Pvt. Ltd.*** (supra), we do not find any good ground for interference as it cannot be said that no prima facie offence is disclosed to investigate the case.

16. Accordingly, the instant petition is **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice