



2026:CGHC:3177-DB

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 228 of 2026**

Ambika Kashyap D/o Krishna Kumar Kashyap Aged About 21 Years R/o
Atal Chowk, Pali, P.S. Pali, Korba, Chhattisgarh.

... Petitioner**versus**

1 - State of Chhattisgarh Through P.S. Pali, Distt. Korba, Chhattisgarh.

2 - Devendra Kumar Tamboli S/o Ravindra Kumar Tamboli R/o Housing
Board Colony, H-1 (06) Kerazaria, P.S. Pali, Distt. Korba, Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	: Mr. Sandeep Singh and Mr. Danish Ahmed, Advocates
For State/Respondent No.1	: Mr. Sourabh Sahu, Panel Lawyer

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

Order on Board**Per Ramesh Sinha, Chief Justice****20.01.2026**

1. Heard Mr. Sandeep Singh and Mr. Danish Ahmed, learned counsel for the petitioner as well as Mr. Sourabh Sahu, learned Panel Lawyer, appearing for the State/respondent No.1.
2. The petitioner has filed the instant petition with the following reliefs :-



“A. Quash and set aside the FIR bearing Crime No. 303/2024, for offence (3) under Section 296 & 351(2) of the Bhartiya Nyaya Sanhita 2023, dated 01/11/2024, registered at Police Station Pali, District Korba, Chhattisgarh i.e., Annexure P-1.

B. Quash and set aside the charge sheet dated 26.02.2025, bearing No. (3)8 38/2025 for offence under Section 296 & 351(2) of the Bhartiya Nyaya Sanhita 2023 filed against the Petitioner herein i.e., Annexure P-2.

C. Quash and set aside the order dated 27.02.2025 order of taking cognizance and order of framing charge dated 28.07.2025 under Section 296 & 351(2) of the Bhartiya Nyaya Sanhita 2023, and subsequent proceedings related to Criminal Case No. 88/2025 pending before Learned Judicial Magistrate First Class, Pali, District- Korba, Chhattisgarh, against the petitioner herein i.e., Annexure P-3.”

3. Brief facts of the case, in a nutshell are that FIR bearing Crime No. 303/2024 dated 01.11.2024 was registered against the petitioner at Police Station Pali, District Korba, Chhattisgarh, under Sections 296 and 351(2) of the Bhartiya Nyaya Sanhita, 2023. The said FIR was lodged without any proper preliminary enquiry, leading to false and baseless allegations against the petitioner, thereby causing serious prejudice to her reputation and career.
4. As per the allegations, on 30.10.2024 at about 10:00 PM, the petitioner along with her family members allegedly erased a rangoli made outside the house of the complainant. It is further alleged that upon objection by the complainant, the petitioner abused him in filthy language and threatened to kill him, and also



allegedly warned of falsely implicating him in a criminal case. On the basis of these allegations, Crime No. 303/2024 was registered, purportedly in the presence of alleged eyewitnesses.

5. Pursuant thereto, a charge-sheet dated 26.02.2025, bearing No. 38/2025, under Sections 296 and 351(2) of the Bhartiya Nyaya Sanhita, 2023, was filed, leading to initiation of Criminal Case No. 88/2025 before the Learned Judicial Magistrate First Class, Pali, District Korba. The criminal proceedings are wholly unfounded and lack any substantive or cogent evidence directly implicating the petitioner.
6. Vide order dated 27.02.2025, the Learned Judicial Magistrate First Class took cognizance of the alleged offences; however, till date, no prosecution witness has been examined.
7. Being aggrieved by the registration of the FIR, the petitioner had earlier approached this Court by filing CRMP No. 435/2025 (*Ambika Kashyap v. State of Chhattisgarh & Ors.*), which was dismissed as withdrawn vide order dated 04.02.2025 with liberty to file a fresh petition, subject to deposit of costs of ₹1,000/- before the Registry of this Court.
8. Subsequently, the petitioner filed an application seeking extension of time to deposit the said costs, which was allowed by this Court vide order dated 12.12.2025, condoning the delay and directing deposit within one week. In compliance thereof, the petitioner duly deposited the cost of Rs.1,000/- on 16.12.2025.



9. Learned counsel for the petitioner submits that there is no prima facie material on record to substantiate the alleged offences. The FIR does not disclose any injury, loss, or act of physical violence, and the essential ingredients of the invoked offences are conspicuously absent. He further submits that the petitioner had, in fact, lodged a prior and genuine FIR against respondent No. 2, alleging that on 31.10.2024 at about 10:00 PM, respondent No. 2 unlawfully entered the petitioner's premises and sexually harassed her in the presence of her family members by way of inappropriate physical touch. Upon resistance, respondent No. 2 allegedly threatened the petitioner and her family members with physical assault and asked them to vacate the house. On the basis of the said incident, the petitioner lodged FIR bearing Crime No. 301/2024 under Sections 296, 351(2), 74 and 333 of the Bhartiya Nyaya Sanhita, 2023, dated 01.11.2024, at Police Station Pali, District Korba.
10. It is contended that only to counterblast the said FIR and with an intention to wreak vengeance, respondent No. 2 deliberately lodged a false counter FIR bearing Crime No. 303/2024 on the very same day by making concocted and false allegations. Such conduct clearly establishes that the impugned FIR is an abuse of the process of law. He further submits that respondent No. 2, being a neighbour, was fully aware of the vulnerable condition of the petitioner's family, particularly that the petitioner's father is a disabled person, and knowingly took advantage of the situation,



as the petitioner resides with her father, mother, and sister. The disability certificate of the petitioner's father fortifies this submission. It is further argued that the petitioner was the first informant and had approached the police with a bona fide and truthful complaint, whereas respondent No. 2 subsequently lodged the false counter FIR with altered and inconsistent facts purely out of personal animosity and to harass the petitioner, thereby misusing the criminal law machinery.

11. Learned counsel also submits that the complaint forming the basis of the impugned FIR suffers from unexplained and unreasonable delay, which casts a serious doubt on the genuineness, spontaneity, and credibility of the allegations made therein. It is submitted that the charge-sheet dated 26.02.2025 bearing No. 38/2025 under Sections 296 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 has been filed in a mechanical manner, and the consequential proceedings in Criminal Case No. 88/2025 pending before the Learned Judicial Magistrate First Class, Pali, District Korba, are unjust, vexatious, and wholly unsupported by any substantive or cogent evidence implicating the petitioner. He submits that the entire criminal proceeding has been maliciously instituted with mala fide intent arising out of a private and personal grudge. The petitioner has not committed any offence as alleged, has been falsely implicated, and continuance of the impugned proceedings would amount to gross abuse of the process of law.



12. In view of the foregoing submissions, learned counsel for the petitioner prays for interference of this Court to protect the petitioner's constitutional and legal rights and to prevent an unjust and unlawful prosecution by quashing the impugned FIR, charge-sheet, and all consequential proceedings.
13. On the other hand, learned State counsel opposes the submissions advanced by learned counsel for the petitioner and submits that the FIR bearing Crime No. 303/2024 dated 01.11.2024 has been registered in accordance with law upon disclosure of cognizable offences under Sections 296 and 351(2) of the Bhartiya Nyaya Sanhita, 2023, and suffers from no legal infirmity. At the stage of investigation and filing of the charge-sheet, detailed appreciation of evidence or examination of the truthfulness of allegations is impermissible, and the material on record prima facie discloses the alleged offences.
14. Learned State counsel further submitted that the allegations are supported by statements of witnesses recorded during investigation, and the presence of a counter FIR or prior dispute between the parties cannot be a ground for quashment, as the same involves disputed questions of fact to be adjudicated during trial. The charge-sheet dated 26.02.2025 bearing No. 38/2025 has been filed after due investigation, cognizance has been rightly taken by the Learned Judicial Magistrate First Class, and the proceedings in Criminal Case No. 88/2025 are legal and justified.



- 15.** Learned State counsel lastly submits that respondent No.2 had earlier approached this Court by filing CRMP No. 210/2025, which was dismissed vide order dated 19.01.2026, as such, the present petition be dismissed as devoid of merit.
- 16.** We have heard learned counsel appearing for the respective parties at length and have carefully perused the documents annexed with the present petition.
- 17.** From the overall factual matrix, it is manifest that the present case is a classic instance of allegation and counter-allegation arising out of an inter se dispute between the parties, wherein both sides have lodged FIRs against each other in close proximity of time. The petitioner alleges false implication by way of a counter FIR, whereas the prosecution asserts commission of cognizable offences supported by witness statements. Such rival and contested versions involve disputed questions of fact, which cannot be adjudicated or tested in proceedings seeking quashment, as the same fall squarely within the domain of trial.
- 18.** At the stage of consideration of a petition for quashing of FIR, charge-sheet, or criminal proceedings, this Court is not expected to conduct a meticulous appreciation of evidence or enter into the truthfulness, veracity, or reliability of the allegations. The scope of interference is extremely limited and is warranted only in cases where the complaint on the face of it does not disclose any offence or where the proceedings are manifestly attended with



mala fide and amount to abuse of the process of law. In the present case, the allegations contained in the FIR, read in conjunction with the material collected during investigation and the statements of witnesses, prima facie disclose the ingredients of the alleged offences.

- 19.** The mere fact that the petitioner claims to have lodged an earlier FIR or alleges that the impugned FIR is a counterblast cannot, by itself, be a ground to quash the criminal proceedings. Equally, the defence set up by the petitioner, including assertions regarding delay, false implication, or mala fide intent, are essentially matters of defence which require appreciation of evidence and cannot be conclusively determined at this nascent stage. The law is well settled that such defences are to be raised before the Trial Court during the course of trial.
- 20.** It is also pertinent to note that the charge-sheet has already been filed after due investigation and cognizance has been taken by the competent court. Furthermore, respondent No.2 had earlier approached this Court by filing CRMP No. 210/2025, which was dismissed vide order dated 19.01.2026, reinforcing the position that the dispute between the parties requires adjudication on evidence.
- 21.** In view of the aforesaid facts and circumstances, this Court finds that the present petition does not fall within the parameters warranting interference under the inherent powers of this Court.



The continuation of criminal proceedings cannot be said to be an abuse of the process of law, nor can it be held that the allegations are so patently absurd or inherently improbable as to justify quashment.

- 22.** Accordingly, the instant petition stands **dismissed**. However, it is clarified that any observation made herein is only for the purpose of disposal of the present petition and shall not be construed as an expression on the merits of the case. The petitioner shall be at liberty to raise all permissible pleas and defences before the learned Trial Court, which shall adjudicate the matter independently, uninfluenced by any observations made in this order.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice