



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 237 of 2026

Daljeet Singh Chawla S/o Kuldeep Singh Aged About 44 Years
(Wrongly Mentioned As Daljeet Singh Chanwla), R/o M.No. 215,
Ward No. 09, Main Marg, Ambedkar Chowk, Distt. Balodabazar
Bhatapara, Chhattisgarh.

... Petitioner

versus

1 - State of Chhattisgarh Through P.S. City Kotwali, Distt. Balod-
abazar-Bhatapara, Chhattisgarh.

2 - Krishna Awasthi S/o Late Kunjram Awasthi Aged About 50 Years
R/o Risda, Baloda, Distt. Balodabazar Bhatapara, Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

Order Sheet

21.01.2026	Heard Ms. Sharmila Singhai, learned Senior Counsel assisted by Ms. Kanchan Kalwani, learned counsel for the petitioner as well as Mr. Shaleen Singh Baghel, learned Government Advocate, appearing for the State/respondent No.1.
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Learned Senior Counsel for the petitioner submits that the entire criminal proceedings initiated against the petitioner are manifestly arbitrary, vexatious and an abuse of the process of law. It is contended that the very foundation of the FIR dated 30.11.2024, lodged on the basis of a written report submitted by certain workers of the Bhartiya Janta Party, is misconceived and unsupported by any legally sustainable material. The Facebook post uploaded by the petitioner merely reflects a legitimate query regarding the membership fee for becoming an active member of the party and does not, by any stretch of imagination, amount to dissemination of any false, rumour-mongering or alarming information so as to attract the provisions of Section 353(1)(b) or Section 353(2) of the Bharatiya Nyaya Sanhita, 2023.

Learned Senior Counsel further submits that the official active membership form issued by Bhartiya Janta Party, Chhattisgarh itself clearly prescribes a fee of only Rs.100/-, which is also reflected in the

acknowledgment, and the same has been placed on record as Annexure-P/4. It is further pointed out that the reference to Rs.400/- was not made by the petitioner but by a third party in the comments section, stating that the said amount pertained to “Deepkamal Pustika”. Even otherwise, the price of the said magazine is only Rs.10/-, as evident from Annexure-P/7, which itself demolishes the allegation that the petitioner propagated any false or misleading narrative.

It is argued that the essential ingredients of Sections 353(1)(b) and 353(2) of the Bharatiya Nyaya Sanhita, 2023 are conspicuously absent, inasmuch as the petitioner has neither published nor circulated any statement with the intention to cause fear or alarm to the public, nor has he attempted to incite enmity, hatred or ill-will between different religious, regional, caste or community groups. The post in question neither names nor targets any individual or the party as such, and merely raises a question regarding excess money allegedly demanded at the time of membership,

which is protected expression and cannot be criminalised.

Learned Senior Counsel also submits that the impugned proceedings are a retaliatory measure, initiated only because the petitioner had earlier raised objections against the complainant and other party workers for creating nuisance in front of the police station. The filing of the charge-sheet dated 11.12.2025, even after directions of this Hon'ble Court in Cr.MP No.201/2025 to conclude the investigation expeditiously, clearly demonstrates non-application of mind and absence of any incriminating material. The subsequent order dated 17.12.2025 passed by the learned Chief Judicial Magistrate, Balodabazar, taking cognizance of the offences, is therefore mechanical and unsustainable in law.

In these circumstances, Learned Senior Counsel submits that continuation of the criminal proceedings would amount to a futile exercise and gross misuse of the criminal justice machinery, and hence, the FIR

dated 30.11.2024, the charge-sheet dated 11.12.2025 and the order taking cognizance deserve to be quashed in exercise of the inherent jurisdiction of this Court.

On the other hand, learned State counsel submits that the allegations disclosed in the FIR, charge-sheet and the material collected during investigation prima facie constitute offences under Sections 353(1)(b) and 353(2) of the Bharatiya Nyaya Sanhita, 2023.

It is contended that the Facebook post uploaded by the petitioner had the tendency to harm the reputation of the concerned party and disturb public tranquillity, and that sufficient material exists to proceed against the petitioner. Therefore, it is urged that no case for quashing is made out at this stage and the petition deserves to be dismissed.

Issue notice to respondent No.2 on payment of process fee as per Rules. Notice be made returnable within four weeks.

Let counter affidavit be filed within a period of two weeks by respondent No.2 after service of notice upon her and is also directed to serve a copy of the same to the learned counsel for the petitioners, who may file rejoinder-affidavit, if any, within one week thereafter.

List this case thereafter.

Till the next date of listing, further proceedings of Criminal Case No.5407/2025 pending before the learned Chief Judicial Magistrate, Balodabazar insofar as relates to the petitioner, shall remain stayed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice