



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 476 of 2026

Krishnakant Dwivedi S/o Omprakash Dwivedi Aged About 35 Years
R/o Road No.-02, Shanti Nagar, Ward-11, Supela, Bhilai, District
Durg (C.G.) (Surname Of The Petitioner Wrongly Mentioned In The
Order Sheet Dated 10.10.2025 i.e. Dwedi Instead Of Dwivedi)

... Petitioner(s)

versus

1. State of Chhattisgarh Through- Police Station Chhawani,
District- Durg (C.G.)
2. Sheetal Tamboli S/o Late Kanhaiya Lal Aged About 45 Years
R/o Ews 325, Vaishali Nagar Bhilai, Dist. Durg (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

Order Sheet

13/02/2026	Heard Mr. Amit Kumar, learned counsel for the petitioner. Also heard Mr. Shailendra Sharma, learned Panel Lawyer, appearing for the State/respondent No. 1. Learned counsel for the petitioner submits that, as per the complaint moved by the complainant/respondent No. 2 before the concerned police station, it was alleged that respondent No. 2 used to work in selling coolers but was presently staying at home due to ill health. He stated that he had borrowed a sum of Rs. 1,00,000/- from the petitioner in June 2022 for his personal needs. It is further alleged that on 11.09.2025, the petitioner called respondent No. 2 and asked him to meet near Shri Beera Seth Multispecialty Hospital. Respondent No. 2 reached there along with his wife at about 5:30 p.m. The petitioner allegedly demanded repayment of the borrowed amount. Respondent No. 2 informed

the petitioner that due to his poor financial condition, he would repay the amount after a few days. It is further alleged that the petitioner became angry, abused respondent No. 2 in filthy language and used abusive words against his mother and sister. When respondent No. 2 objected to such behaviour, the petitioner allegedly threatened to kill him and assaulted him with punches and kicks, due to which respondent No. 2 sustained injuries and pain in the back of his neck and left leg. It is further alleged that the wife of respondent No. 2 intervened and stopped the quarrel. Thereafter, respondent No. 2 submitted a written complaint before the concerned police station alleging assault by the petitioner, on the basis of which an FIR was registered against the petitioner for offences punishable under Sections 115(2), 296 and 351(3) of the BNS.

Learned counsel for the petitioner further submits that the FIR registered against him is nothing but an abuse of the process of law. He contended

that three separate agreements were executed between the petitioner and respondent No. 2 as well as his wife regarding financial transactions. Respondent No. 2 had taken an amount of Rs.1,55,000/- from the petitioner on 21.06.2022 and executed an agreement undertaking to return the said amount by 20.05.2023, but he has failed to repay the amount till date. The wife of respondent No.2 also executed an agreement with the petitioner and borrowed a sum of Rs. 45,000/- on 16.08.2023, which has also not been repaid till date.

It is further stated by learned counsel for the petitioner that a third agreement was executed between the petitioner and respondent No. 2 on 28.08.2025, whereby respondent No. 2 entered into an agreement relating to his vehicle. However, respondent No. 2 failed to disclose to the petitioner that the said vehicle was financed and that the loan amount had not been fully repaid and instalments of the said vehicle were still outstanding. The petitioner

submits that respondent No. 2 and his wife have acted fraudulently by executing agreements and deliberately failing to honour their obligations within the stipulated time. He further submits that, as per the allegations of respondent No. 2, the alleged incident took place on 11.09.2025, whereas the complaint was lodged before the concerned police station after a delay of five days, i.e., on 16.09.2025. The reason assigned for such delay, namely that his son was admitted to the hospital, is stated to be false and concocted. According to the petitioner, the delay in lodging the FIR clearly reflects the mala fide intention of respondent No. 2 to avoid repayment of the borrowed money.

Learned counsel for the petitioner would submit that respondent No. 2 has admitted that he had taken money from the petitioner. However, when the petitioner demanded repayment, respondent No. 2 lodged a false and fabricated complaint against the petitioner with the intention of evading his financial

liability. It is submitted that the allegations levelled against the petitioner are baseless, false and have been made only to harass him and to avoid repayment of lawful dues.

Issue notice to respondent No. 2 by speed post.

Learned State Counsel appears and accepts notice on behalf of respondent No. 1; accordingly, issuance of notice to respondent No. 1 stands dispensed with.

Process fee shall be paid within one week for respondent No. 2.

Notice shall be made returnable within four weeks.

Two weeks' time is granted to learned State counsel as well as respondent No. 2 to file their reply-affidavits. Thereafter, two weeks' time is granted to learned counsel for the petitioner to file a rejoinder-affidavit, if any.

List the matter thereafter.

Till the next date of listing, the proceedings pending before the learned Judicial Magistrate First Class, Durg, District Durg (C.G.), in Criminal Case No. 34052 of 2025 against the petitioner shall remain stayed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice