



2026:CGHC:10495-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 493 of 2026

Mahendra Sahu S/o Sonu Ram Sahu Aged About 36 Years Resident of Village And Post- Jhalmala District- Balod (C.G.)

... **Petitioner**

versus

1 - State of Chhattisgarh Through Secretary, Department of Home, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

2 - Superintendent of Police Balod, District- Balod (C.G.)

3 - Station House Officer Police Station Sanaud, Balod District- Balod (C.G.)

4 - Chela Ram Sahu S/o Sadharam Sahu Aged About 43 Years Resident of Village Mohara, Thana Sanaud, District- Balod (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Ajit Singh, Advocate
For State	:	Mr. Shailendra Sharma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

28.02.2026

1. Heard Mr. Ajit Singh, learned counsel for the petitioner as well as Mr. Shailendra Sharma, learned Panel Lawyer, appearing for the State/respondents No.1 to 3.



2. By filing of the present petition, the petitioner has prayed for following relief(s) :-

“(1) It is therefore prayed this Hon'ble court pleased to allowed this petitioner and quash the FIR dated 12.09.2025 and the proceedings arising therefrom, and FIR registered against the petitioner in Crime No. 82/2025 at Police Station Sanaud, District Balod, under Sections 296, 115(2), 351(3), and 3(5) of BNS, 2023, in the facts and circumstances stated above.

(2) That, this Hon'ble Court may also be pleased to quash and set aside the Charge Sheet No. 110/2025 dated 09.12.2025, filed before the Judicial Magistrate First Class, Balod, under section under Sections 296, 115(2), 351(3), 331(6), 119(1), 118(1) and 3(5) of BNS, 2023 and to declare the same as null and void in the facts and circumstances of the case.

(3) That, this Hon'ble Court may also be pleased to quash and set aside the dated 12.12.2025, cognizance taken by the Judicial Magistrate First in Criminal Case No. Class, Balod, pending 3511/25 before the Judicial Magistrate First Class, Balod, and to declare the same as null and void in the facts and circumstances of the case.

(4) It is further prayed that this Hon'ble Court may be pleased to direct the respondent authorities, to comply the provision prescribed under section 173(3)(4) of BNSS and before taking cognizance against the petitioner in respect of the alleged offences, to conduct a fair, proper, and impartial



investigation in accordance with law, following the application submitted by the petitioner as (Annexure P/4 and P5) and ensuring that all statutory conditions and procedural safeguards are duly complied with in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the impugned FIR in Crime No. 82/2025 registered at Police Station Sanaud, District Balod, and the consequential Charge Sheet No.110/2025 dated 09.12.2025 filed before the Court of Judicial Magistrate First Class, Balod, are wholly illegal, arbitrary and actuated by mala fide intentions. It is contended that the allegations levelled in the FIR are inherently improbable and do not disclose the essential ingredients of the offences invoked under the Bharatiya Nyaya Sanhita, 2023. The learned trial Court has mechanically taken cognizance vide order dated 12.12.2025 without proper application of mind, thereby causing grave prejudice to the petitioner. It is further submitted that although an earlier petition challenging the FIR was filed, the same was withdrawn on 02.01.2026 solely on account of filing of the charge sheet, and therefore the present petition is maintainable.
4. Learned counsel further submits that the entire prosecution is the outcome of matrimonial discord between respondent No.4 and his wife. The petitioner, being posted as Assistant Manager in Chhattisgarh Rajya Gramin Bank, had, in his official capacity, intervened to ensure that the workplace of the wife of respondent



No.4 remained free from harassment. On account of such intervention, respondent No.4 developed animosity against the petitioner and has falsely implicated him by levelling scandalous allegations of illicit relationship. It is argued that the FIR dated 12.09.2025 alleging house-trespass and assault at Village Mohara is a concocted story, devised solely to harass and defame the petitioner.

5. It is next contended that the investigating agency has acted in a mechanical and arbitrary manner in invoking Sections 296, 115(2), 351(3), 331(6), 119(1), 118(1) and 3(5) of the BNS without demonstrating how the ingredients of the said offences are satisfied. Particular emphasis is laid upon Section 331(6) of the BNS relating to lurking house-trespass or house-breaking. Learned counsel argues that the BNS does not specifically define “lurking house-trespass” or “lurking house-trespass by night”, unlike Sections 443 and 444 of the erstwhile Indian Penal Code. In the absence of a clear statutory definition and in the absence of foundational facts fulfilling the ingredients of criminal trespass as contemplated under Sections 329 and 330 of the BNS, invocation of Section 331(6) is wholly misconceived and legally unsustainable.
6. Learned counsel further submits that the petitioner had immediately after registration of the FIR submitted detailed representations before the higher police authorities asserting his



innocence and placing on record CCTV footage from Pulgaon Chowk, Durg, clearly indicating that at the relevant time he was present at another location along with his wife. Despite the availability of such exculpatory material, the investigating agency failed to conduct a fair and impartial investigation and proceeded to file the charge sheet in a predetermined manner. Such investigation, it is argued, violates the mandate of a fair procedure under Article 21 of the Constitution of India, as elucidated by the Hon'ble Supreme Court in **Vinubhai Haribhai Malaviya v. State of Gujarat (2019) 17 SCC 1.**

7. Lastly, learned counsel submits that respondent No.4 has repeatedly misused the police machinery by lodging successive FIRs, including Crime No.70/2025 at Police Station Narayanpur on similar allegations, clearly establishing mala fide intent and malicious prosecution. The continuation of criminal proceedings, in these circumstances, would amount to gross abuse of the process of law and cause irreparable damage to the petitioner's personal and professional reputation. It is, therefore, prayed that the impugned FIR, charge sheet and all consequential proceedings be quashed in the interest of justice.
8. Per contra, learned State counsel vehemently opposes the petition and submits that the impugned FIR has been registered on the basis of a detailed written complaint lodged by respondent No.4, namely Chelaram Sahu, on 12.09.2025, disclosing specific



and cognizable allegations against the petitioner and co-accused.

It is contended that the FIR contains a clear narration of the incident dated 11.09.2025 at about 10:00 PM, wherein the petitioner along with the complainant's wife and others allegedly entered the complainant's house, assaulted him, abused him in filthy language, attempted to forcibly obtain documents and cash, and even tried to pour kerosene upon him. The complaint further discloses that the complainant sustained injuries and that the incident was witnessed by several independent neighbours, whose statements have also been recorded during investigation.

9. Learned State counsel submits that upon presentation of the written application, the police authorities examined the same and, finding prima facie commission of cognizable offences, registered Crime No.82/2025 for offences punishable under Sections 296, 115(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. During the course of investigation, statements of witnesses under the relevant provisions were recorded, spot inspection was conducted, and other material was collected. On the basis of such material, a charge sheet was filed invoking additional provisions, including Sections 331(6), 119(1) and 118(1) of the BNS. It is thus submitted that the investigation was conducted strictly in accordance with law and the charge sheet has been filed only after collection of sufficient material establishing a prima facie case.



- 10.** It is further contended that the defence raised by the petitioner, including the plea of alibi based upon CCTV footage, relates to disputed questions of fact which cannot be adjudicated in a petition seeking quashment under inherent jurisdiction. The veracity, authenticity and evidentiary value of such material can only be examined during trial. At this stage, the Court is required to see whether the allegations made in the FIR and the material collected during investigation disclose the commission of a cognizable offence, and not to meticulously evaluate the defence of the accused.
- 11.** Learned State counsel lastly submits that the allegations in the FIR, if taken at their face value and accepted in entirety, clearly constitute offences under the invoked provisions of the BNS. The petitioner has been specifically named in the FIR with clear overt acts attributed to him, including assault and intimidation. Therefore, it cannot be said that the criminal proceedings are manifestly attended with mala fide or that continuation of the same would amount to abuse of process of law. The petition, being devoid of merit, deserves to be dismissed.
- 12.** We have heard learned counsel for the parties at length and have perused the record of the case with utmost care. We have also gone through the contents of the FIR, the material collected during investigation and the charge sheet filed before the learned Judicial Magistrate First Class, Balod. The present petition has



been filed under Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* seeking quashment of FIR in Crime No.82/2025 and the consequential Charge Sheet No.110/2025.

13. From a perusal of the charge sheet, it transpires that the prosecution has collected statements of the complainant and other witnesses who have prima facie supported the version narrated in the FIR. The material on record reflects that specific overt acts have been attributed to the present petitioner, including allegations of assault, criminal intimidation and unlawful entry into the house of the complainant during late hours. The investigation further indicates that statements of neighbourhood witnesses were recorded and spot inspection was conducted. On the basis of such material, the investigating agency formed an opinion that offences under the relevant provisions of the *Bharatiya Nyaya Sanhita, 2023* are made out and accordingly filed the charge sheet before the competent Court.
14. At this stage, it is well settled that while exercising inherent jurisdiction for quashment, this Court is not expected to conduct a meticulous appreciation of evidence or adjudicate upon disputed questions of fact. The defence raised by the petitioner, including the plea of alibi based on CCTV footage and allegations of matrimonial enmity, are matters which require appreciation of evidence and can appropriately be tested during trial. This Court cannot embark upon a mini-trial or evaluate the reliability and



admissibility of the defence material in proceedings under Section 528 of the BNSS. So long as the allegations contained in the FIR and the material collected during investigation disclose the commission of cognizable offences and a prima facie case, interference at the threshold would not be warranted.

15. The contention regarding improper invocation of certain provisions of the Bharatiya Nyaya Sanhita also does not persuade this Court to exercise inherent powers at this stage. Whether the ingredients of particular sections are ultimately established or not is a matter to be determined by the trial Court upon appreciation of evidence. At this juncture, it cannot be said that the allegations are so absurd or inherently improbable that no prudent person could ever reach a just conclusion that an offence has been committed.
16. This Court is mindful that inherent powers are to be exercised sparingly, with circumspection and only in rare cases where continuation of criminal proceedings would amount to gross abuse of process of law. In the present case, upon careful examination of the FIR and the charge sheet, it cannot be said that the proceedings are manifestly attended with mala fide or that they are devoid of any factual foundation. Rather, the material collected discloses sufficient grounds for the learned trial Court to proceed in accordance with law.
17. In view of the foregoing analysis, this Court finds no merit in the present petition. The petition, being devoid of substance, is



accordingly **dismissed**. It is, however, made clear that any observation made herein is only for the purpose of deciding the present petition and shall not influence the trial Court while adjudicating the matter on merits.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu