



2026:CGHC:34618-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2051 of 2026

- 1 - Smt. Neha Gupta W/o Praveen Gupta Aged About 28 Years R/o Raghunathpur, P.S. Premnagar, Distt. Surajpur, Chhattisgarh.
- 2 - Ravindra Gupta S/o Jageshwar Gupta Aged About 58 Years R/o Raghunathpur, P.S. Premnagar, Distt. Surajpur, Chhattisgarh.
- 3 - Smt. Usha Gupta W/o Ravindra Gupta Aged About 54 Years R/o Raghunathpur, P.S. Premnagar, Distt. Surajpur, Chhattisgarh.
- 4 - Swati @ Sweta Gupta D/o Ravindra Gupta Aged About 29 Years R/o Raghunathpur, P.S. Premnagar, Distt. Surajpur, Chhattisgarh.
- 5 - Abhishek Gupta S/o Ravindra Gupta Aged About 24 Years R/o Raghunathpur, P.S. Premnagar, Distt. Surajpur, Chhattisgarh.

--- **Petitioner(s)**

versus

- 1 - State Of Chhattisgarh P.S. Baikunthpur, Distt. Koriya, Chhattisgarh.
- 2 - Praveen Gupta S/o Late Ramdhani Gupta Aged About 32 Years R/o M.L.A. Nagar, Junapara, P.S. Baikunthpur, Distt. Koriya, Chhattisgarh.

--- **Respondent(s)**

For Petitioner(s) : Mr. Pushkar Sinha, Advocate

For Respondent(s) : Mr. Jitendra Shrivastava, G.A.

CRMP No. 543 of 2026

- 1 - Pravin Gupta S/o Late Ramdhani Gupta, Aged About 32 Years R/o- M.L.A. Nagar, P.S.- Baikunthpur District Koriya (C.G.)



2 - Prashant Gupta S/o Late Ramdhani Gupta, Aged About 36 Years
R/o Near Jain Temple, Bai Sagar Baikunthpur Police Station
Baikunthpur, District Koriya (C.G.)

3 - Pranay Gupta S/o Late Ramdhani Gupta, Aged About 36 Years R/o
Near Jain Temple, Bai Sagar Baikunthpur Police Station Baikunthpur,
District Koriya (C.G.)

4 - Smt. Prabha W/o Late Ramdhani Gupta, Aged About 60 Years R/o
Near Jain Temple, Bai Sagar Baikunthpur Police Station Baikunthpur,
District Koriya (C.G.)

5 - Smt. Rajeshwari Gupta W/o Prashant Gupta Aged About 34 Years
R/o Near Jain Temple, Bai Sagar Baikunthpur Police Station
Baikunthpur, District Koriya (C.G.)

6 - Smt. Radha Gupta W/o Pranay Gupta Aged About 32 Years R/o
Near Jain Temple, Bai Sagar Baikunthpur Police Station Baikunthpur,
District Koriya (C.G.)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Police Station Baikunthpur, District
Koriya (C.G.)

2 - Neha Gupta W/o Pravin Gupta Aged About 27 Years R/o Village
Raghunathpur Police Station- Premnagar District Surajpur C.G.

--- Respondent(s)

For Petitioner(s) : Mr. Gyan Prakash Shukla, Advocate

For Respondent(s) : Mr. Jitendra Shrivastava, G.A.

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

Judgment on Board

Per Ramesh Sinha, Chief Justice

06.08.2026



1. Heard Mr. Gyan Prakash Shukla (through video conferencing), learned counsel for the petitioners in CRMP No. 543/2026, Mr. Pushkar Sinha, learned counsel for the petitioners in CRMP No. 2051/2026 as well as Mr. Jitendra Shrivastava, learned Government Advocate for respondent/State.
2. By this petition under Section 528 of the BNSS, the petitioners in CRMP No. 543/2026 has prayed for the following relief(s):

"i. It is therefore prayed that, this Hon'ble Court may kindly be pleased to exercise its inherent jurisdiction under section 528 of the BNSS, and in exercise thereof call for the records & allow this CRMP and quash FIR no. 258/2025 dated 25.07.2025 and entire charge sheet in which offences are registered under section 296, 351(1), 115(2), 191(2), 85 & 324(4) of the BNS 2023 (Annexure A/1) in the interest of justice".

ii. It is therefore prayed that, this Hon'ble Court may kindly be pleased to allow this petition to quash order taking cognizance dated 15.10.2025 and the subsequent criminal proceeding in Criminal Case No.4252/2025 pending before the Court of learned Judicial Magistrate First Class Baikunthpur District - Koriya (C.G.) Annexure A/2 in the interest of justice".

iii. It is therefore prayed that, this Hon'ble Court may kindly be pleased to grant any other relief, in the interest of justice."

3. By this petition under Section 528 of the BNSS, the petitioners in CRMP No. 2051/2026 has prayed for the following relief(s):



“It is therefore, most respectfully prayed that this Hon'ble Court in exercise of its inherent powers under Section 528 of B.N.S.S may kindly be pleased to allow this petition and quash the entire criminal proceeding of Criminal Case No. 4479/2025, pending before the Chief Judicial Magistrate, Baikunthpur, initiated under the Crime No. 259/2025 registered at Police Station- Baikunthpur, Distt. Baikunthpur, dated 26.07.2025 and the Charge Sheet (Final Report) bearing No. 281/2025 dated 28.11.2025 and cognizance taken by learned Trial Court vide order dated 29.11.2025 and further also against the charges framed against the petitioners vide order dated 09.02.2026 in Criminal Case No. 4479/2025 by the learned Chief Judicial Magistrate, Baikunthpur, District- Baikunthpur whereby the charges U/s 296, 351(3), 115(2) read with 3 (5) and 191(2) of B.N.S has been framed against the petitioners, in the interest of justice. Any other order that may be deemed fit and just on the fact and circumstances of the case may also kindly be passed in the interest of justice.”

4. The present connected petitions arise out of a matrimonial dispute between petitioner No.1 in CRMP No. 2051 of 2026 (Smt. Neha Gupta) and petitioner No.1 in CRMP No. 543 of 2026 (Praveen Gupta), whose marriage was solemnized on 30.05.2023. Owing to matrimonial discord, both sides levelled allegations against each other with respect to an incident that occurred in July, 2025 at Baikunthpur, District Koriya. On the complaint lodged by Smt. Neha Gupta, FIR No. 258/2025 dated



25.07.2025 came to be registered against Praveen Gupta and his family members for offences punishable under Sections 296, 351(1), 115(2), 191(2), 85 and 324(4) of the Bharatiya Nyaya Sanhita, 2023, culminating in filing of the charge-sheet and cognizance being taken on 15.10.2025. On the very next day, i.e., 26.07.2025, on the complaint lodged by Praveen Gupta, the police registered the counter FIR bearing Crime No. 259/2025 against Neha Gupta and her family members for offences punishable under Sections 296, 351(2), 115(2), 191(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, in which charge-sheet was also filed, cognizance was taken on 29.11.2025 and charges were framed on 09.02.2026. Aggrieved by the continuation of the aforesaid criminal proceedings arising out of the respective cross-FIRs, the parties have preferred these petitions under Section 528 of the BNSS seeking quashment of the FIRs, charge-sheets, cognizance orders and all consequential criminal proceedings.

5. Learned counsel appearing for the petitioners in CRMP No. 2051 of 2026 submitted that the impugned FIR, charge-sheet, cognizance order and consequential criminal proceedings are nothing but an abuse of the process of law. It was argued that the present prosecution is a counterblast to FIR No. 258/2025 lodged by petitioner No.1 (wife) against respondent No.2 (husband) alleging cruelty, dowry demand and assault, and that the subsequent FIR No. 259/2025 has been maliciously instituted only to pressurize the petitioners. It was further submitted that the



allegations in the FIR are omnibus and general in nature without attributing any specific overt act to the individual petitioners, who have been roped in merely because of their relationship with the complainant. Learned counsel contended that even if the allegations are accepted in their entirety, no offence as alleged is made out against the petitioners. It was also submitted that petitioner No.5 was not even present at the place of occurrence on the date of the alleged incident as he was pursuing his studies at Ambikapur. Referring to the allegations made by petitioner No.1 in her earlier FIR, it was argued that it was respondent No.2 and his family members who had assaulted the petitioners, vandalized their vehicle and reiterated unlawful demands of dowry. It was, therefore, urged that continuation of the criminal proceedings would amount to gross miscarriage of justice and abuse of the process of Court. Placing reliance upon the decisions of the Supreme Court in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, *Kans Raj v. State of Punjab*, (2000) 5 SCC 207 and *Inder Mohan Goswami v. State of Uttaranchal*, (2007) 12 SCC 1, learned counsel submitted that the present case squarely falls within the categories where the inherent jurisdiction of this Court deserves to be exercised for quashing the criminal proceedings. It was lastly submitted that the connected petition, namely CRMP No. 543 of 2026, had earlier been referred to mediation by this Court and the proceedings before the trial Court were stayed, however, the mediation could



not culminate in a settlement owing to the non-cooperative attitude of respondent No.2.

6. Learned counsel appearing for the petitioners in CRMP No. 543 of 2026 submitted that the impugned FIR, charge-sheet, cognizance order and the consequential criminal proceedings are arbitrary, illegal and constitute an abuse of the process of law. It was contended that the allegations contained in the FIR are vague, omnibus and bereft of any specific particulars regarding the individual role of each of the petitioners. Merely alleging that “the family members harassed the complainant” without specifying the overt acts attributable to each accused does not disclose the commission of any cognizable offence. It was further submitted that petitioner Nos.2 to 6, being the relatives of petitioner No.1, have been unnecessarily implicated only to exert pressure upon the husband in the backdrop of matrimonial discord. Learned counsel submitted that several of the relatives were residing separately and had no occasion to participate in the alleged occurrence, which fact is supported by documentary material placed on record. It was also argued that the criminal proceedings have been initiated only after the matrimonial relationship had irretrievably broken down and the husband had already initiated proceedings seeking dissolution of marriage, thereby demonstrating that the present FIR is an afterthought and has been lodged to gain leverage in the matrimonial litigation. Referring to the cross-FIR lodged by the husband’s side, learned



counsel submitted that the existence of rival versions itself indicates that the allegations are retaliatory in nature and have emanated from the matrimonial dispute between the parties. It was thus contended that even if the allegations in the FIR are accepted at their face value, they do not disclose the essential ingredients of the offences alleged against the petitioners, particularly the relatives. Reliance was placed on the decisions of the Supreme Court in *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667, to contend that the Courts have repeatedly cautioned against the tendency to implicate all members of the husband's family on the basis of sweeping and omnibus allegations in matrimonial disputes. It was, therefore, urged that the continuation of the criminal proceedings would amount to misuse of the criminal process and deserves to be quashed by exercising the inherent jurisdiction under Section 528 of the BNSS. It is lastly submitted that this Court vide order dated 20.02.2026, referred the matter for mediation between the parties, whereby, the petitioner Pravin Gupta deposited Rs.50,000/- as directed by this Court which was paid to respondent Neha Gupta on her appearance, however, as per Mediation Report dated 13.03.2026, the mediation between the parties has failed.

7. Per contra, learned Government Advocate appearing for the respondent/State opposed both the petitions and submitted that the FIRs disclose the commission of cognizable offences and that, upon completion of investigation, the investigating agency



has found sufficient material to file the respective charge-sheets.

It was contended that the allegations levelled in both the FIRs raise disputed questions of fact, which cannot be adjudicated in exercise of the inherent jurisdiction under Section 528 of the BNSS. Learned State counsel submitted that the truthfulness or otherwise of the allegations, the defence sought to be raised by the petitioners and the plea that the FIRs are counterblasts are all matters of evidence to be considered during trial. It was further argued that once the investigating agency has collected material and the competent criminal court has taken cognizance, interference by this Court at the threshold is unwarranted. Accordingly, it was prayed that both the petitions, being devoid of merit, deserve to be dismissed.

8. We have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
9. We have bestowed our anxious consideration to the rival submissions advanced by learned counsel for the parties and have perused the material available on record. It is not in dispute that the parties are husband and wife and the criminal proceedings in question arise out of matrimonial discord. The record further reveals that each side has lodged an FIR against the other in respect of the same chain of events. Significantly, this Court, vide order dated 20.02.2026, referred the parties to the Mediation Centre with a view to amicably resolve their



matrimonial dispute. Pursuant to the said order, petitioner Praveen Gupta deposited a sum of Rs.50,000/-, which was paid to respondent Neha Gupta on her appearance before the Mediation Centre. However, as is evident from the Mediation Report dated 13.03.2026, the mediation proceedings failed and no settlement could be arrived at between the parties.

10. A careful perusal of the respective FIRs and the charge-sheets would show that the allegations against the family members of both sides are substantially general and omnibus in nature, without any clear or specific attribution of individual overt acts. Except for broad allegations arising out of the matrimonial dispute, no distinct role has been assigned to most of the relatives who have been arrayed as accused. It is well settled that criminal law cannot be permitted to be used as a weapon to settle personal scores or to rope in all family members merely because of their relationship with one of the spouses.
11. The Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, has authoritatively laid down the categories of cases where the inherent jurisdiction of the High Court can be exercised to prevent abuse of the process of law. In ***Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667***, the Supreme Court cautioned against the growing tendency to implicate all the relatives of the spouse in matrimonial disputes on the basis of exaggerated and omnibus allegations. Similar principles have been reiterated in ***Kans Raj v. State of Punjab***,



(2000) 5 SCC 207, wherein the Court deprecated the tendency of indiscriminately arraying the relatives of the husband as accused in matrimonial offences. More recently, in ***Dara Lakshmi Narayana v. State of Telangana, (2024) SCC OnLine SC 923***, the Supreme Court held that vague and sweeping allegations against in-laws without specific attribution of roles amount to abuse of the criminal process. Likewise, in ***Ghanshyam Soni v. State (NCT of Delhi), 2025 INSC 803***, the Supreme Court reiterated that stale, belated and omnibus allegations, which do not disclose the essential ingredients of the alleged offences, cannot be permitted to form the basis of criminal prosecution.

12. Applying the aforesaid settled principles to the facts of the present case, we find that both prosecutions are nothing but an offshoot of the matrimonial discord between the parties. The allegations against the respective family members are predominantly omnibus in nature and the criminal proceedings appear to have been initiated as a consequence of the escalating matrimonial dispute, with each side setting the criminal law into motion against the other. In the considered opinion of this Court, permitting the prosecutions to continue in the peculiar facts and circumstances of the present case would amount to abuse of the process of the Court and would not serve the ends of justice.
13. Accordingly, both the petitions deserve to be and are hereby **allowed**. FIR No. 258/2025 dated 25.07.2025, Crime No. 259/2025 dated 26.07.2025, the respective charge-sheets, the



orders taking cognizance, the orders framing charges and all consequential criminal proceedings arising therefrom pending before the concerned Courts are hereby quashed.

- 14.** Pending interlocutory application(s), if any, shall also stand disposed of. No order as to costs.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**

Manpreet