



2026:CGHC:10212-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 516 of 2026

1 - Sunil Sao S/o Chait Ram Sao, Aged About 25 Years, R/o Village Devalsura, Police Station Pusaur, District Raigarh (C.G.)

... Petitioner

versus

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

2 - The Superintendent of Police, Raigarh, District Raigarh C.G.

3 - The Station House officer, Police Station Pusaur, District Raigarh (C.G.)

4 - Dukalu Singh Sao, S/o Dileshwar Sao, Aged About 38 Years, R/o Village Chhapora, Police Station Pusaor, Block- Pusaor, District Raigarh (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. Ravikar Patel, Advocate.

For State : Mr. S.S. Baghel, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha , Chief Justice

27-02-2026

1. Heard Mr. Ravikar Patel, learned counsel for the petitioner. Also heard Mr. S.S. Baghel, Govt. Advocate for the State.
2. The present petition has been filed seeking the following relief(s):-
 - “1. That this Hon'ble Court may kindly be pleased to quashed the FIR No. 285/2025 registered at Police Station Pusaur, District- Raigarh on 19.10.2025, offence punishable under section 296, 115 (2), 324 (5) & 191 (2) of B.N.S. and Section 3 of Prevention of Damage to Public Property Act, 1984.
 2. That the Hon'ble Court may kindly be pleased to quash the Final Report No. 300/2025 dated 27/12/2025 filed by the Police Station Pusaor, District Raigarh (C.G.) before the Learned Judicial Magistrate First Class, Raigarh against the petitioner for offence punishable under section 296, 115 (2), 324 (5) & 191 (2) of B.N.S. and Section 3 of Prevention of Damage to Public Property Act, 1984.
 3. That this Hon'ble Court may kindly be pleased to quash the cognizance order dated 29/12/2025 as well as the entire criminal proceeding bearing Criminal Case No. 1826/2025 pending before the Learned Judicial Magistrate First Class, Raigarh for the offence punishable under section 296, 115 (2), 324 (5) & 191 (2) of B.N.S. and Section 3 of Prevention of Damage to Public Property Act, 1984.

4. That this Hon'ble Court may kindly be pleased to pass any order it may deems fit.”
3. The facts of the case are that, on the night of 17.10.2025, an ambulance operating under NTPC Lara was dispatched to Village Devasura (Police Station Pusaur, District Raigarh) in response to information received. At the place of incident, the accused persons abused and assaulted the ambulance driver and staff member MT Devendra Soni. They also damaged the ambulance using a helmet and stones. Individuals who attempted to intervene were also assaulted. The ambulance sustained damage amounting to approximately Rs.1,00,000. Based on the complainant's application, an offence was registered and investigation was initiated. A spot inspection was conducted, a site map and damage assessment report were prepared, and witness statements were recorded. During the investigation, the accused were interrogated and the helmet used in the incident was seized from the present petitioner. Upon finding sufficient evidence, the accused were arrested on 22.12.2025 and sent to judicial remand. After completion of the investigation, Charge Sheet has been filed under Section 296, 115(2), 324(5), 191(2) of BNS before the Judicial Magistrate First Class, Raigarh against the petitioner and other accused persons.
4. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the offence. There is no evidence against the petitioner that he also involved in the alleged offence.

He would further submit that the FIR has been lodged after delay of 2 days and no reason has been explained by the complainant for such delay. The witnesses in the charge sheet are employees of the NTPC, LARA and there is no any independent witness of the said offence. The ambulance was run under private limited company on tender basis, not under the any public or government authority, therefore, the ambulance is not a public property. The entire case has been made to grant benefit to the insurer of the vehicle. If the complainant is not injured and ambulance is not government or public property, no cognizable offence are made out against the petitioner. The seizure of helmet is also doubtful as in fact no seizure is made from the petitioner. The accused persons have been arrested after two months of lodging FIR. There is no sufficient material in the charge sheet against the present petitioner to proceed and taking cognizance against him and the entire criminal proceeding including the FIR and charge sheet/Final Report against the petitioner is liable to be quashed.

5. Learned counsel appearing for the State opposes the petition and submits that the FIR in question was registered on the basis of a written complaint made by the complainant alleging assault and damage to public property and commission of other cognizable offence by the accused persons including the petitioner. It is submitted that upon receipt of the complaint, the police conducted investigation in accordance with law and, after recording statements of the complainant and other witnesses and collecting

relevant material, found a prima facie case to be made out against the petitioner. Consequently, the charge-sheet was filed before the learned Judicial Magistrate First Class, Raigarh, District Raigarh (C.G.). Learned State counsel would further submit that the allegations levelled in the FIR and the charge-sheet disclose the commission of cognizable offences, which require appreciation of evidence and determination of disputed questions of fact, and the same cannot be adjudicated in proceedings under Section 482 Cr.P.C. It is further submitted that the defence raised by the petitioner is matter of evidence which may be examined by the trial Court during trial and do not, by themselves, constitute a ground for quashment of the criminal proceedings at the threshold. Therefore, the petition filed by the petitioners is liable to be dismissed.

6. We have heard learned counsel for the parties and perused the documents annexed with the petition.
7. In **M/s. Neeharika Infrastructure Pvt. Ltd. Vs. The State of Maharashtra & others**, reported in 2021 SCC OnLine SC 315, the Hon'ble Supreme Court in para 23 held as under :-

"23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final

report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;

ii) Courts would not thwart any investigation into the cognizable offences;

iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;

iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).

v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the

judicial process should not interfere at the stage of investigation of offences;”

8. It is well settled that the inherent powers under Section 482 Cr.P.C. are to be exercised sparingly and with great caution, and only in cases where the allegations do not disclose any offence or where the proceedings are manifestly attended with mala fide to such an extent that no prima facie case is made out.
9. In the present case, in the statement recorded by police the witnesses have stated about involvement of the petitioner in the incident and there is named FIR against him and other accused persons. The defence taken by the petitioner are matter of examination of evidence before the trial Court. Since the charge-sheet has been filed after due investigation and the material collected discloses grounds for proceeding against the petitioner, in the view of this Court, no case for quashment at the threshold is made out.
10. In view of the judgment cited above and the facts of the present case, we do not find any ground to interfere with the impugned order of taking cognizance or even for quashing of FIR as well as charge sheet and the entire criminal proceedings, therefore, the petition lacks merits and is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice