



2026:CGHC:10213-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 525 of 2026

- Santosh Mishra S/o Shri Arun Mishra, Aged About 34 Years, R/o T.V. Tower Near Chhote Atarmuda P.S. Chakradhar Nagar, Raigarh District- Raigarh (C.G.)

... Petitioner

versus

1 - State of Chhattisgarh Through S.H.O. P.S. Chakradhar Nagar, Raigarh District- Raigarh (C.G.)

2 - Smt. Leena Diwan, W/o Late Rupesh Diwan, Aged About 38 Years, R/o T.V. Tower Near Chhote Atarmuda, P.S. Chakradhar Nagar, Raigarh District- Raigarh (C.G.) At Present Residing At C/o Shri Parmanand Mishra T.V. Tower Chhote Atarmuda P.S. Chakradhar Nagar, Raigarh District- Raigarh (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. K.N. Nande, Advocate.

For State : Mr. Priyank Rathi, 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. K.N. Nande, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Govt. Advocate, appearing for the State.

2. The present petition has been filed by the petitioner with the following prayer:-

“It is therefore prayed that this Hon'ble Court may kindly be pleased to quash / set - aside the impugned F. I. R. No. 0232/2025, dt. 31/05/2025 registered by the P. S. Chakaradhar Nagar, Raigarh, impugned Charge Sheet No 218/2025, dt. 22/07/2025, taking cognizance of offence by the learned Trial Court vide order, dt.05/08/2025 bearing Session Trial No. 87/2025 and framing of charge under section - 108 r/w 3(5) B. N. S.,2023 & Section - 296 B. N. S., 2023 vide order, dt. 01/12/2025 by the learned Addl. Session Judge [F. T. C.], Raigarh in the ends of justice.”

3. The facts, as mentioned in the petition, are that, on complaint made by respondent No.2 the FIR has been registered against the father of the petitioner wherein it has been alleged that the accused provoked the deceased to commit suicide towards some money transactions and consequently, her husband Rupesh Diwan has committed suicide. During the investigation in the statement of witnesses involvement of the petitioner revealed and he has also been arrayed as an accused in the case. After completion of the investigation charge sheet has been filed.
4. Learned counsel for the petitioner has vehemently argued that the main allegation is against the father of the petitioner, namely, Arun

Mishra. It is alleged that the petitioner is a Civil Engineer and he too has been arrayed as an accused in the present case along with the nephew Nitin Mishra of the co-accused Arun Mishra. It is submitted that the petitioner has not been named in the FIR and his name has come during the course of investigation. He further submitted that the charges have been framed against the petitioner for a different offence, though the FIR was lodged for the offence under Section 333, 75(1)(i), 75(1)(ii), 75(1)(iv) and 308(2) of B.N.S. He also argued that from the evidence collected during the course of investigation no offence is disclosed against the petitioner.

5. Learned counsel for the State, on the other hand, has opposed the prayer for quashing of the proceeding and the order framing charge and submitted that as per the statement of the wife of the deceased, the petitioner's involvement was also found and the learned trial Court has rightly framed the charges against the petitioner.
6. We have heard learned counsel for the parties and perused the documents.
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. There is allegation against the petitioner that he involved in the offence in question along with the co-accused persons. The legal position on the issue of quashing of criminal proceedings is well settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the FIR or the charge-sheet may

be quashed in exercise of powers under Article 226 or inherent powers under Section 482 of the Cr.P.C.

9. In the present case, from the statement of the witnesses who are wife of the deceased and his other family members there are sufficient evidence that by the continuous course of conduct of the accused persons the deceased has committed suicide. There are allegation that the accused persons pressurized for refund of their amount and tried to outrage the modesty of wife of the deceased, which ultimately resulted into his suicide.
10. Considering the submissions made by learned counsel for the parties and further considering the law laid down by the Hon'ble Supreme Court in the judgment cited above, we do not find any good ground to interfere in matter. Consequently, this petition fails and is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice