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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 529 of 2026

Sheikh Imran Khan S/o Abdul Kayyum, Aged About 41 Years Caste Musalman, R/o Maudahapara, Naharpara, Raipur, Police Station And District Kondagaon (C.G.)

... Petitioner(s)

versus

1 - The State Of Chhattisgarh Through The Station House Officer, Police Station Kondagaon District Kondagaon (C.G.)

2 - Karan Uike, S/o Late R.S. Uike, Aged About 58 Years R/o Prem Nagar, Kondagaon, District Kondagaon (C.G.)

... Respondent(s)

For Petitioner(s) : Mr.P.K.Patel, Advocate

For Respondent : Mr.S.S.Baghel, Government Advocate

No.1-State

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.P.K.Patel, learned counsel for the petitioner as well as Mr.S.S.Baghel, learned Government Advocate appearing for respondent No.1/State.

2. The present petition has been filed by the petitioner seeking following relief(s):

“1. allow this petition,

2. quash the charges, entire challan / charge sheet /criminal proceedings in Case No. 777/2025 "State Vs. Sheikh Imran Khan, pending in the Court of Judicial Magistrate First Class, Kondagaon, District Kondagaon (C.G.), arising out of the crime No. 46/2025, registered at Police Station: Kondagaon District Kondagaon (C.G.), and the Petitioner be discharged from all the charges, in the interest of justice.

3. pass any other order / orders, as the Hon'ble High Court may deems fit and appropriate under the facts and circumstances of the case, in the interest of justice.”

3. The petitioner submits that Respondent No. 2 lodged a written complaint alleging that the petitioner had posted certain obscene images and objectionable articles on his Facebook ID and circulated the same through social media platforms, including WhatsApp and Facebook, thereby outraging the religious feelings of the complainant and hurting sentiments associated with Hinduism.
4. On the basis of the said complaint, the Police Station Kondagaon registered Crime No. 46/2025 against the petitioner for the offence punishable under Section 299 of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(A) and 67 of the Information

Technology Act.

5. After completion of investigation, the Investigating Officer submitted a final report/charge sheet before the learned Chief Judicial Magistrate, Kondagaon, District Kondagaon (C.G.). Thereafter, the learned Judicial Magistrate framed charges against the petitioner under Section 299 of the Bharatiya Nyaya Sanhita, 2023 and Section 67 of the Information Technology Act.
6. The petitioner contends that the Investigating Officer, without conducting a proper and fair inquiry, mechanically submitted the charge sheet for the aforesaid offences. It is further contended that the learned Judicial Magistrate, without proper application of mind and in a routine manner, framed charges against the petitioner, which are wholly illegal, erroneous, and contrary to law. Hence, this petition.
7. Learned counsel for the petitioner submits that a bare perusal of the entire charge sheet and the material collected during investigation would demonstrate that no offence under Section 299 of the Bharatiya Nyaya Sanhita, 2023 or Section 67 of the Information Technology Act is made out against the petitioner. It is contended that the charge framed by the learned Magistrate is unsustainable in law and is liable to be quashed. It is further submitted that there is no material whatsoever in the charge sheet to establish that the petitioner made any derogatory remarks or posted any content with the deliberate and malicious intention of

insulting Hindu religious texts, saints, or deities through words, gestures, visible representations, or electronic means. The essential ingredients required to constitute the offence are conspicuously absent.

8. Learned counsel draws the attention of this Court to Section 299 of the Bharatiya Nyaya Sanhita, 2023, which provides that the act must be done with *deliberate and malicious intention* of outraging the religious feelings of any class of citizens by insulting its religion or religious beliefs through words, signs, visible representations, or electronic means. It is submitted that the sine qua non for attracting the said provision is the existence of deliberate and malicious intent.
9. It is argued that the materials collected during investigation do not disclose any such deliberate or malicious intention on the part of the petitioner. In the absence of this essential ingredient, the offence under Section 299 of the BNS, 2023 is not made out. Similarly, the ingredients of Section 67 of the Information Technology Act are also not satisfied, as there is no legally admissible material to establish that the petitioner transmitted or published any content falling within the mischief of the said provision. Learned counsel submits that the Investigating Officer has mechanically filed the charge sheet without proper inquiry or application of mind, and the learned Magistrate has framed the charges in a routine manner without examining whether the

foundational ingredients of the alleged offences were prima facie satisfied. It is further submitted that this Court, in exercise of its inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has ample jurisdiction to quash the charge sheet, the order framing charges, and the entire criminal proceedings where the allegations, even if taken at their face value, do not constitute any offence. In view of the above submissions, it is prayed that this Court may be pleased to quash the charge framed under Section 299 of the Bharatiya Nyaya Sanhita, 2023 and Section 67 of the Information Technology Act, along with the entire charge sheet and consequential criminal proceedings pending against the petitioner, in the interest of justice.

- 10.** Per contra, learned Government Advocate appearing for the State/respondent No.1 vehemently opposes the submissions advanced on behalf of the petitioner. It is submitted that the FIR, charge sheet, and the subsequent framing of charges clearly disclose the commission of cognizable offences under Section 299 of the Bharatiya Nyaya Sanhita, 2023 and Section 67 of the Information Technology Act. A prima facie case has been made out against the petitioner. Learned Government Advocate submits that the scope of this Court in proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is limited to examining whether the allegations, on their face, disclose a cognizable offence. It is not the function of this Court at this stage

to conduct a detailed inquiry or assess the merits of the evidence.

11. It is further submitted that the allegations in the FIR are specific and point to deliberate acts by the petitioner, through electronic platforms, which are capable of outraging the religious feelings of the complainant and the community. The materials collected during investigation support the prima facie existence of these acts. Learned Government Advocate contends that the petitioner's assertion that no offence is made out is a matter of defence and involves disputed questions of fact. These matters cannot be gone into in proceedings seeking quashment. Whether the petitioner acted with malicious intent or whether the alleged content actually outraged religious feelings are issues to be examined by the learned Trial Court after full trial and appreciation of evidence. It is also submitted that the Investigating Officer has conducted the investigation in accordance with law and submitted the charge sheet after collecting material to substantiate the offences alleged. The learned Judicial Magistrate, on being satisfied with the prima facie material, has rightly framed the charges under the relevant provisions. Learned Government Advocate further submits that quashing the FIR, charge sheet, or the charges at this stage would amount to pre-empting the trial and would impede the statutory and constitutional obligation of the State to protect the religious sentiments of citizens and maintain public order. In view of the foregoing, it is submitted that the present petition is devoid of merit and is an attempt to stifle the

criminal proceedings at a premature stage. The State, therefore, prays that the petition seeking quashment of the FIR, charge sheet, and consequential proceedings may be dismissed.

12. We have heard learned counsel for the petitioner and learned Government Advocate appearing for the State at considerable length. We have also carefully perused the FIR, the charge sheet, the order framing charges, and other relevant documents placed on record, including certified copies of the criminal proceedings.
13. The petitioner challenges the registration of Crime No. 46/2025 at Police Station Kondagaon, the filing of the charge sheet, and the subsequent framing of charges under Section 299 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter “BNS”) and Section 67 of the Information Technology Act. The petitioner contends that the allegations are wholly baseless and that the criminal proceedings have been initiated without proper inquiry or investigation.
14. At the outset, it is necessary to reiterate the settled legal position regarding petitions for quashment of FIR or charge sheet. The power of the Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is extraordinary and limited. The Court is not expected to conduct a detailed inquiry into the veracity of the allegations or to appreciate evidence as if conducting a trial. The only question is whether the allegations, on their face, disclose a cognizable offence and whether there exists any prima facie

material to proceed with the trial.

- 15.** On a careful perusal of the FIR, the charge sheet, and other materials, we find that the allegations are specific. They state that the petitioner deliberately and maliciously posted content through electronic platforms, which is capable of outraging the religious feelings of the complainant. The offence under Section 299 BNS requires deliberate and malicious intention to outrage religious feelings, and the materials collected during investigation indicate that the alleged acts of the petitioner fall within the ambit of the provision. Likewise, Section 67 of the IT Act deals with publication of obscene material through electronic media, and the material collected during investigation prima facie discloses the elements of this offence.
- 16.** The petitioner's submission that there was no malice or deliberate intention, or that the alleged acts were of a civil nature, essentially raises questions of fact and defence. These contentions cannot be adjudicated in a quashment petition. The Court cannot weigh evidence or decide credibility at this stage. The framing of charges by the learned Judicial Magistrate was done upon consideration of the material placed on record by the Investigating Officer and is in accordance with law.
- 17.** With regard to the petitioner's contention that the Investigating Officer did not properly inquire into the matter, it is observed that the Court cannot interfere with the investigation unless it is shown

to be wholly illegal, arbitrary, or mala fide. Mere dissatisfaction with the investigation or reliance on a different interpretation of facts does not warrant interference. There is no material on record to suggest that the investigation was conducted in a manner contrary to law or that the charge sheet was filed without basis.

18. It is also noted that the petitioner has alternative remedies available, including raising all contentions and challenging the evidence before the learned Trial Court. The learned Magistrate will have the opportunity to examine the materials, hear the parties, and adjudicate the issues relating to intention, insult, or obscenity in accordance with law.
19. In the light of the foregoing discussion, we are of the considered opinion that the allegations made in the FIR and the materials collected during investigation disclose a cognizable offence against the petitioner. The petition appears to be an attempt to pre-empt the trial at a premature stage and is devoid of merit. No case is made out for interference under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
20. Consequently, we find no merit in the present petition. The same is accordingly **dismissed**. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice