



2026:CGHC:10208

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 520 of 2024

1 - Shiv Prasad Chhadimadi S/o Late Mahesh Prasad Chhadimadi, Aged About 55 Years, R/o Qt. No. B-256, Adarsh Nagar, Kusmunda, Tehsil- Katghora, Dist.- Korba, C.G. Currently Residing In Q. No. 8/36 (as per petition, B/36), C.I.T.I. Colony, Near Head Quarter of N.C.L. Singrauli, P.S. Singrauli, Dist.- Singrauli, M.P., Pin 486889 (correct name and address of the petitioner and father is late Mahesh Prasad)

2 - Sambhu Prasad Chhadimadi S/o Late Mahesh Prasad Chhadimadi, Aged About 42 Years, Add.- Opposite FCI Godown, Udia Mohalla, Ward No. 30, Matnitola, Police Station Kotwali, Shadol, Dist. Shadol

... Petitioners

versus

1 - State of Chhattisgarh Through Police Station Kusmunda, Dist. Korba, C.G.

2 - Smt. Gomti Chhadimadi W/o Shiv Prasad Chhadimadi, Aged About 43 Years, Address Q, No. 256, Adarsh Nagar, Kusmunda, Dist. Korba, C.G.

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	: Mr. Avinash Chand Sahu, Advocate.
For State	: Mr. N.K. Jaiswal, Deputy Govt. Advocate.
For Respondent No.2	: None.

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

“Therefore, it is prayed that this Hon’ble Court may kindly be pleased to quash the FIR no. 500/2022 which registered the Police of Police Station Kusmunda, District Korba C.G. against the petitioner in the interest of justice.”

2. As facts of the case are that, an FIR bearing No. 500/2022 dated 09.10.2022 was registered at Police Station Kusmunda, District Korba (C.G.) against the petitioners on the complaint of respondent No.2, alleging offences under Sections 454, 380 and 34 of IPC. As per the complaint, respondent No.2 was married to the petitioner No.1 in the year 2003 as per social customs at Shahdol, M.P., and after one to two years of marriage, matrimonial disputes arose between them. It was alleged that on 05.10.2022, when respondent No.2 was not present at her house, the petitioner No.1 along with his brother entered the house and committed theft of cash, gold, silver articles, household items and certain family court documents. After investigation, the police submitted a final report/chargesheet under Section 173 of Cr.P.C. before the learned JMFC, Katghora.
3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated, no incriminating material or recovery was made against them during investigation, and despite absence of evidence, the charge-sheet has been filed, hence the present

petition has been filed. The alleged incident is said to have been committed at the house of respondent No.2, whereas, but present the petitioner No.1 is living in Sigrouli, M.P. after transfer of his service and respondent No.2 is living in Kusmunda home, therefore, alleged offence of stolen is not establish against the petitioners in any kind of manner. The dispute between the parties are purely in civil and matrimonial nature. It has been further submitted that just after lodging of the present FIR the respondent No.2 has again lodged another FIR on 14.12.2022 against the petitioners before P.S. Sahdol, M.P. for alleged offence under Section 498A, 34 of the IPC, which itself shows the malice intention of respondent No.2 and in sequence of malice intention another FIR No.521/2022 for alleged offence under Section 377 of the IPC has also been lodged by respondent No.2 against the petitioner No.1 before the same police station.

4. 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 and after completion of due investigation the charge-sheet has been filed before the learned Judicial Magistrate First Class, Katghora, District Korba (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 under Sections 454, 380, 34 of the IPC, 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 petitioners 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 either the FIR or the criminal proceedings at the threshold. Therefore, the petition filed by the petitioners is liable to be dismissed.

5. We have heard learned counsel for the parties and perused the documents annexed with the petition.
6. On perusal of the earlier order sheets of the present case, in a view to get the dispute settled by way of mediation vide order dated 31.01.2026 it is ordered by this Court that:-

“.....In view of the above, petitioner No.1/husband shall deposit Rs.50,000/- with the Mediation Center of this Court within two weeks from today and the same shall be paid to respondent No.2 on her appearance before the Mediation Center.....”

7. However, vide report dated 16.02.2026 it has been reported by the Mediation Center of this Court that:-

“It is pertinent to mention here that till today dated 16.02.2026, the petitioner has not deposited the amount to the High Court Mediation Center as ordered by Hon’ble Court to deposit the amount within two weeks from 31.01.2026.”

8. In the instant case, from perusal of the FIR prima facie it cannot be said that no cognizable offence is made out. The present petition does not fall in any of such category, wherein, this Court can exercise jurisdiction under Section 482 of the CrPC (Now Section 528 of the BNSS) to quash the impugned FIR, charge-sheet and criminal proceedings. Hence, no ground exists for quashing of the impugned FIR. Even otherwise, it is a settled position of law that while exercising powers under Section 482, CrPC, the High Court is not required to conduct the mini trial. What is required to be considered at that stage is the nature of accusations and allegations in the FIR and whether the averments/allegations in the FIR prima facie discloses the commission of the cognizable offence or not.
9. Considering the submissions advanced by learned counsel appearing for the parties and non-compliance of the order dated 31.01.2026 by petitioner No.1, perusing the documents appended with the petition and also considering the contents of the FIR and further considering the fact that there are allegation of theft and lurking house-trespass, we do not find any sufficient ground to quash the impugned FIR. Consequently, the present petition fails and is hereby **dismissed**.
10. The interim order dated 06.03.2024 stands vacated.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice