



2026:CGHC:9922-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 597 of 2026

Smt. Aasha Chandrakar W/o Rajnish Chandrakar Aged About 49 Years
R/o Qr. No. 4A, Road No. 23, Sector-10, P.S. Bhilainagar Sector-6,
Bhilai, Dist. Durg (C.G.)

... Petitioner(s)

versus

**1 - State Of Chhattisgarh Through P.S. Padmanabhpur District Durg
(C.G.)**

**2 - Saurya Renke S/o Shri Ashok Renke Aged About 36 Years R/o Near
Old Shiv Mandir, Vaishali Nagar Bhilai District Durg (C.G.)**

... Respondent(s)

For Petitioner(s)	: Mr.Arvind Dubey, Advocate
For Respondent	: Mr.Saumya Rai, Deputy Government
No.1-State	Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

26.02.2026

1. Heard Mr.Arvind Dubey, learned counsel for the petitioner as well as Mr.Saumya Rai, learned Deputy Government Advocate appearing for respondent No.1/State.



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

“1. Entire Criminal Proceedings of Criminal RCC No. 21797/2025, pending before the learned CJM Durg, District Durg (C.G.), (ANNEXURE P-1) so far as it relates to the Petitioner.

2. Cognizance order dated 03.06.2025 (Annexure P/3), passed by learned CJM Durg, District Durg (C.G.).

3. Final Report bearing no. 534/2022 dated 15.07.2022 submitted by the Outpost Padmanabhpur Police Station- Durg Kotwali, District- Durg (C.G.) before the learned Chief Judicial Magistrate Durg, District Durg (C.G.) in connection with Crime No. 677/2019 registered on 28.07.2019, under section 420, 406, 34 of Indian Penal Code, (ANNEXURE P-2) so far as it relates to the Petitioner.

4. Any other relief which the Hon'ble court deems fit may also be kindly passed in favour of the petitioner, in the interest of justice.

5. Cost of the petition may kindly be awarded to the petitioner.”

3. Facts of the case are that the complainant, Shaurya Renke, resident of Vaishali Nagar, filed a complaint alleging commission of offences under Sections 420, 406, and 34 of the Indian Penal Code before the learned Magistrate. It was alleged that an agreement to sell was executed between the complainant and Gopal Bhargav in respect of land bearing Khasra No. 241/2,



admeasuring 0.47 hectare and 0.48 hectare, situated at Village Dhanora, District Durg.

4. The agreement to sell was executed through Bhisham Chandrakar, who was the General Power of Attorney holder of the original landowners. The original landowners, namely Mehtarin Bai, Ramesh Kumar, Devendra Kumar, Lata Bai, Nisha Bai, Manisha Bai, and Asha Bai (Petitioner herein), are related to the said Bhisham Chandrakar. Thereafter, the original landowners executed a registered sale deed dated 16.08.2013 in favour of the complainant, Shravan Kumar Bhargav, and Gopal Bhargav. Following the execution of the sale deed, the land was mutated in the names of the purchasers, and possession was handed over to them on the same day. Subsequently, it came to the knowledge of the complainant that a civil dispute bearing Civil Suit No. 5A/2011 titled *Indu & Others vs. State of C.G. & Others* was pending before the Civil Judge, Durg. The said suit involved Smt. Mehtarin Bai, Gayatri Bai, Ramesh Kumar, Devendra Kumar, Lata Bai, Nisha Bai, Manisha Bai, Asha Bai, and Feroz Khan, and was decided on 24.01.2014. The complainant alleged that the landowners had concealed the pendency of the civil suit at the time of execution of the sale deed and thereby committed cheating. It was further alleged that Bhisham Chandrakar, in his capacity as Power of Attorney holder, had submitted a written statement in the said civil suit on behalf of the landowners and that the land was sold without disclosing the pendency of the civil



proceedings.

5. As per the order dated 24.01.2014 passed by the learned IVth Civil Judge, Class-II, the names of Indu, Sitaram, and Kholuram were directed to be mutated in respect of Khasra No. 241/2, admeasuring 0.95 hectare. It is further alleged that Bhisham Chandrakar did not raise any objection at the time of mutation. Thereafter, the Naib Tehsildar, Durg, mutated the land on 12.09.2018, as a result of which the earlier mutation in favour of Gopal Bhargav and the complainant was deleted. Consequently, the land bearing Khasra No. 241/2, admeasuring 2.35 acres, situated at Village Dhanora, was mutated in the names of Induram, Geetaram, and Kholuram.
6. The complainant thereafter filed an application under Section 156(3) Cr.P.C. seeking registration of an FIR against the accused persons for offences under Sections 420, 406, and 34 IPC. During the course of investigation, Ramesh Chandrakar expired on 17.03.2014. Smt. Mehtarin Bai and Bhisham Chandrakar also expired subsequently. The petitioner and other family members did not sign any document relating to the sale deed. It is contended that the Power of Attorney holder alone was responsible for execution of the sale transaction and receipt of the sale consideration. Therefore, no offence under Sections 420, 406, and 34 IPC is made out against the petitioner. Hence, the FIR lodged against the petitioner, the charge-sheet filed against



the petitioner, and the criminal proceedings pending before the learned Chief Judicial Magistrate, Durg, are liable to be quashed in the interest of justice.

7. Earlier, the petitioner had filed a petition registered as CRMP No. 16/2026, which was dismissed as withdrawn vide order dated 07.01.2026, with liberty to file afresh subject to deposit of Rs. 2,000/- as costs within one week from the date of the order. Thereafter, the petitioner filed CRMP No. 302/2026 seeking extension of time to deposit the cost imposed vide order dated 07.01.2026. The said CRMP No. 302/2026 was allowed by the Hon'ble Court vide order dated 05.02.2026.
8. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The police have registered an offence under Sections 420, 406, and 34 of the Indian Penal Code against the petitioner on false and fabricated grounds. The registration of the FIR and the consequential proceedings are illegal and liable to be set aside in the interest of justice. He further submits that the impugned FIR is an afterthought and is based on a concocted story developed against the petitioner and her relatives. The police have mechanically registered the case and filed the charge-sheet without there being any prima facie material against the petitioner. Continuation of the criminal proceedings, in absence of any substantive evidence, amounts to abuse of the process of law and



is therefore liable to be quashed. He also submits that the present case is squarely covered by the principles laid down by the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal, (1992 Supp (1) SCC 335)** wherein the categories of cases fit for quashing of FIR have been clearly enumerated. The allegations made in the complaint, even if taken at their face value, do not constitute the alleged offences. He contended that there is absolutely no material on record to establish that the petitioner had any dishonest intention or was involved in any act of cheating or criminal breach of trust. The essential ingredients of Sections 420 and 406 IPC, particularly the existence of mens rea at the inception of the transaction, are conspicuously absent. He further contended that the entire dispute, at its core, pertains to alleged non-disclosure of a pending civil suit at the time of execution of the sale deed, which subsequently resulted in deletion of mutation in favour of the complainant. The grievance, therefore, arises out of a contractual transaction and alleged defect in title, which is purely civil in nature. He also contended that the appropriate remedy available to the complainant, if any, is to seek recovery of the amount or claim compensation before the competent Civil Court against the person who allegedly received the sale consideration. Criminal proceedings cannot be used as a tool for settling civil disputes or exerting pressure upon the petitioner. It is a settled principle of law that where the allegations, even if accepted in their entirety, do not disclose the necessary criminal



intent to constitute offences under Sections 420 and 406 IPC, continuation of criminal proceedings would amount to abuse of the process of the Court. The present case is essentially a breach of contract or an issue relating to title, which does not attract criminal liability. In view of the aforesaid submissions, it is respectfully prayed that the FIR, charge-sheet, and all consequential criminal proceedings pending against the petitioner be quashed in the interest of justice.

9. On the other hand, learned State counsel opposes the submissions advanced on behalf of the petitioner and submits that the present petition is devoid of merit and is liable to be dismissed. It is submitted that the FIR and the charge-sheet disclose a clear prima facie case against the petitioner for offences punishable under Sections 420, 406, and 34 of the Indian Penal Code. The material collected during investigation reveals that the land in question was sold despite the pendency of a civil suit concerning the same property, and the said fact was not disclosed to the purchasers. Such non-disclosure, coupled with the subsequent developments relating to mutation, prima facie indicates dishonest intention and active participation of the accused persons. Learned State counsel submits that the question as to whether the petitioner had knowledge of the pending civil dispute and whether there was dishonest intention at the inception of the transaction are matters of evidence, which cannot be adjudicated in proceedings under Section 482 Cr.P.C.



At this stage, the Court is only required to examine whether a prima facie case is made out, and not to conduct a meticulous appreciation of evidence. It is further submitted that merely because the transaction arises out of a sale deed does not automatically render the dispute purely civil in nature. If the ingredients of cheating and criminal breach of trust are prima facie made out from the complaint and the material collected during investigation, the criminal proceedings cannot be quashed solely on the ground that a civil remedy is also available. Civil and criminal proceedings may coexist where the allegations disclose both civil liability and criminal culpability. Learned State counsel submits that the investigation has been completed and a charge-sheet has already been filed before the competent Court. The matter is at the stage of framing of charge. At this juncture, interference by this Hon'ble Court would amount to stifling a legitimate prosecution. It is further contended that the judgments relied upon by the petitioner, including the principles laid down in **Bhajan Lal** (supra) and other cases, are not applicable to the facts of the present case, as the allegations herein do disclose the commission of cognizable offences and cannot be said to be inherently improbable or absurd. It is therefore prayed that this Court may be pleased to dismiss the present petition and permit the trial Court to proceed with the matter in accordance with law.

10. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court is not inclined to



interfere in the present matter.

11. From a careful reading of the FIR, complaint, and the charge-sheet filed by the investigating agency, it cannot be said at this stage that no prima facie case is made out against the petitioner. The allegations disclose that the property in question was sold during the pendency of a civil dispute and that such fact was allegedly not disclosed to the purchasers. Whether the petitioner had knowledge of the pending civil proceedings and whether there was dishonest intention at the inception of the transaction are questions of fact which require appreciation of evidence and cannot be adjudicated in proceedings under Section 482 Cr.P.C. (Section 528 B.N.S.S.)
12. It is well settled that the inherent powers of this Court are to be exercised sparingly and with great caution. At the stage of framing of charge, the Court is only required to examine whether there exists sufficient ground for proceeding against the accused. A meticulous examination of evidence or determination of disputed facts is impermissible at this stage.
13. The contention of the petitioner that the dispute is purely civil in nature cannot be accepted outright, as the allegations in the complaint, if taken at their face value, prima facie disclose ingredients of the offences alleged. The mere availability of a civil remedy does not bar criminal prosecution when the necessary ingredients of criminal offences are disclosed.



- 14.** In view of the aforesaid, this Court finds no ground to exercise its inherent jurisdiction for quashing the FIR or the consequential criminal proceedings. The petition, being devoid of merit, deserves to be and is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice