



2026:CGHC:10160-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 623 of 2026**

Uday Bhaskar S/o Late Shri Raman Aged About 46 Years R/o House
No. 275, Patnampara, Ward No. 7, Sukma District Sukma (C.G.)

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Station House Officer,
Chintalnar Police Station Chintalnar District Sukma (Chhattisgarh)

2 - Narad Kumar Manjhi S/o Late Balmukund Manjhi Aged About 54
Years Chief Executive Officer Janpad Panchayat Kota District Sukma
(C.G.)

--- Respondent(s)

For Petitioner(s) : Mr. Dheerendra Pandey, Advocate

For Respondent(s) : Mr. Saumya Rai, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****27.02.2026**

1. Heard Mr. Dheerendra Pandey, learned counsel for the petitioner.

Also heard Mr. Saumya Rai, learned Government Advocate for



the respondent No.1 / State.

2. The petitioner has filed this petition with following prayer:

“It is therefore prayed that this Hon'ble court may be pleased to allow the application by making an order to quash the crime no. 21/2024 dated 01.12.2024 for offence u/s 409, 420, 467, 468, 471 of IPC. pending before Police Station Chintalnar District Sukma (C.G.) as crime no. 21/2024 and discharge from the case to the applicant.”

3. The prosecution story, in brief, is that Shri Narad Kumar Manjhi, Chief Executive Officer, Janpad Panchayat Konta, District Sukma, submitted a written complaint dated 23.11.2024 before the Station House Officer, Police Station Chintalnar, alleging that the petitioner, Shri Uday Bhaskar, dismissed Secretary of Gram Panchayat Kamaram, during the years 2021 to 2023, failed to withdraw and distribute pension amounts to eligible pensioners, did not pay wages to villagers engaged in construction of ponds under the Panchayat, and withdrew funds under the 14th and 15th Finance Commission schemes by forging signatures without executing any work, thereby embezzling a total amount of Rs.99,23,442/-. The complaint was based on a departmental inquiry report dated 03.11.2023 received from the District Panchayat Sukma, wherein the charges were found proved and were stated to be in violation of Rule 3(1) of the Chhattisgarh Panchayat Service (Conduct) Rules, 1998 and Rule 18 of the



Chhattisgarh Panchayat (Accounts) Rules. On the basis of the said written complaint along with the inquiry report and supporting documents, a crime was registered at Police Station Chintalnar and the matter was taken up for investigation.

4. Learned counsel for the petitioner submits that the registration of the FIR against the petitioner is wholly unjustified and liable to be quashed, as the police have not complied with the mandate laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar, reported in (2014) 8 SCC 273*** which requires proper scrutiny and satisfaction before arrest or registration of an FIR. It is contended that the impugned FIR bearing No. 21/2024 registered at Police Station Chintalnar is an abuse of process of law, as it is based on allegations without attributing any specific role to the petitioner, lacks material particulars necessary to establish offences under Sections 409, 420, 467, 468, and 471 IPC, and was lodged without obtaining prior sanction under Section 197 Cr.P.C., while the petitioner was acting in his official capacity as Secretary of Gram Panchayat Kamaram/Kondasawali, Janpad Panchayat Konta, District Sukma. Learned counsel further submits that the revisional authority, in its order dated 16.01.2025, expressed dissatisfaction with the enquiry report and directed a fresh spot inspection to verify the allegations, which clearly indicates that the departmental proceedings conducted earlier were incomplete and not conclusive. Nevertheless, the police prematurely registered



the FIR without considering the subsequent inspection report or examining the departmental records. It is argued that the respondent authorities themselves had not satisfied whether the petitioner had committed any offence, as evidenced by the amendment order of 21.09.2023, which partially modified the departmental inquiry and called for further investigation, yet the FIR was lodged in a mechanical and illegal manner. In view of the above, the impugned FIR is a result of non-application of mind, failure to comply with statutory and judicial mandates, and abuse of process of law, and therefore, the FIR against the petitioner deserves to be quashed.

5. Learned State counsel appearing for the State opposes the prayer for quashing of the FIR and submits that a bare perusal of the FIR discloses the commission of cognizable offences and establishes a prima facie case against the petitioner. It is contended that the FIR specifically narrates that the complainant, Chief Executive Officer of District Panchayat, Konta, lodged a complaint alleging that the petitioner, while functioning as Secretary of Gram Panchayat Duled, between 2021 and 2023, failed to distribute pension amounts to eligible pensioners, did not pay wages to labourers engaged in the construction of four ponds under the MNREGA scheme, and withdrew funds under the 14th and 15th Finance Plans by forging signatures, thereby embezzling a sum of Rs.99,23,442/- without executing any work.
6. Learned State counsel further submits that the allegations



detailed in the FIR point to deliberate misconduct and criminal intent on the part of the petitioner, which cannot be decided at the stage of quashing, as the object of Section 482 Cr.P.C. is not to pre-try the case or examine the merits of the allegations. It is also submitted that the petitioner's official capacity and the departmental proceedings against him do not bar registration of a cognizable offence, as the investigation is necessary to ascertain the truth and determine whether the petitioner has committed any offence under Sections 409, 420, 467, 468, and 471 IPC. Therefore, it is urged that the FIR ought not to be quashed at this stage, and the investigation should be allowed to proceed.

7. We have heard learned counsel for the parties and perused the documents appended with petition.
8. Upon careful consideration of the submissions of learned counsel for the petitioner and the learned State counsel, as well as a perusal of the records, it is evident that the petitioner has challenged the FIR primarily on the ground of alleged defects in the departmental enquiry and purported non-compliance with the mandate of the Hon'ble Supreme Court in ***Arnesh Kumar*** (supra). However, the FIR on its face discloses the commission of cognizable offences under Sections 409, 420, 467, 468, and 471 of the Indian Penal Code, arising from specific allegations of misappropriation of government funds, non-payment of wages, and failure to distribute pensions over a period of two years. At this stage, the Court's jurisdiction under 528 of the BNSS is



limited to preventing abuse of process of law or manifest illegality, and it is not a forum to conduct a preliminary trial of the allegations or examine the merits of the departmental enquiry. The allegations, if investigated and proved, clearly constitute criminal misconduct, and the petitioner's official capacity or ongoing departmental proceedings do not bar registration of a cognizable offence. In view of the above, no ground is made out for interference, and the petition seeking quashing of FIR No. 21/2024 registered at Police Station Chintalnar, District Sukma, is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet