



2026:CGHC:10159-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 620 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,
Chintagufa Police Station Chintagufa District Sukma C.G.

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. Nitansh Jaiswal, Dy. 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. Nitansh Jaiswal, learned Deputy 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. 05/2024 dated 24.11.2024 for offence u/s 409, 420, 467, 468, 471, of IPC. pending before Police Station Chintagufa District Sukma (C.G.) as crime no. 05/2024 and discharge from the case to the applicant.”

3. The prosecution case in brief is that Shri Narad Kumar Manjhi, Chief Executive Officer of District Panchayat, Konta, submitted a written complaint on 23.11.2024 alleging that Uday Bhaskar / petitioner herein, dismissed Secretary of Gram Panchayat Duled, between 2021 and 2023, failed to distribute two years' pension to entitled pension holders, did not pay wages to villagers engaged in the construction of four ponds in Minpa village under the MNREGA scheme, and withdrew funds under the 14th and 15th Finance Plans by forging signatures, thereby embezzling a total sum of Rs.47,83,528/- without executing any work. The complaint, forwarded by the office of District Panchayat Sukma and supported by an investigation report dated 22.11.2023, found these acts in clear violation of Chhattisgarh Panchayat Service (Conduct) Rules 1998 (Rule 3 General (1)(a)) and Chhattisgarh Panchayat (Accounts) Rule 18. Based on this complaint, an FIR was registered under Sections 409, 420, 467, 468, and 471 of the IPC, the FIR was read over and acknowledged by the informant,



and the matter was taken up for investigation in accordance with Section 154(B) of the Cr.P.C., following which proceedings were initiated to ascertain the commission of the alleged offences.

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. 05/2024 registered at Police Station Chintagufa 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.47,83,528/- 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. 05/2024 registered at Police Station Chintagufa, District Sukma, is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet