



2026:CGHC:9195-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 557 of 2026

Jeevan Prakash Kujur S/o Late Shri Ignesh Kujur Aged About 63 Years R/o
H. No. 133, Behind - Gautam Vihar Devpuri, Raipur, (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station
Civil Lines, Raipur (C.G.)

2 - Mohseen Khan Posted And Working As D.S.P. Kanker, Distt.- Kanker
(C.G.)

3 - Amarnath Benerjee S/o Shri Ramnath Benerjee Aged About 62 Years R/o
Saraswati Nagar Pandri, Ps, Civil Lines, District- Raipur (C.G.)

... **Respondent(s)**

For Petitioner(s) : Mr. Anuroop Panda, 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

23.02.2026

1. Heard Mr. Anuroop Panda, learned counsel for the petitioner. Also
heard Mr. Nitansh Jaiswal, learned Deputy Government Advocate



for respondent / State.

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

“1. Quash the impugned First Information Report bearing Crime No. 0382/2019, dated 18.06.2019 registered at Police Station Civil Lines, Raipur, District Raipur, C.G on 18.06.2019 for offences punishable under Section 409 of Indian Penal Code,

2. Quash the charge sheet (Annexure P/1) bearing Final Report/Challan Number 324/2020, dated 11.12.2020 filed by the Police of Police Station Civil Lines, District Raipur, against the Petitioner for the offence punishable under Sections 409 of Indian Penal Code in consequence of First Information Report No. 0382/2019 before Judicial Magistrate First Class, Raipur

3. Quash the order taking cognizance dated 21/12/2022 passed by the Chief Judicial Magistrate Raipur in Criminal Case No. 18252/2022 and quash the consequential criminal proceedings in Case No. 18252/2022 pending before Judicial Magistrate First Class Raipur Chhattisgarh (Annexure P/2) against the Petitioner, in the interest of justice.”

3. Brief facts of the case necessary for disposal of this petitioner are that the petitioner had earlier filed CRMP No. 1547 of 2022 (Jeevan Prakash Kujur vs. State of Chhattisgarh) challenging the FIR dated 18.06.2019 bearing Crime No. 382/2019, which was



dismissed as withdrawn vide order dated 22.03.2025 with liberty to take recourse to law if aggrieved by the charge-sheet. The prosecution case, in brief, is that while the petitioner was posted as Sub-Inspector at Police Station Civil Lines, Raipur from 15.04.2005 to 21.04.2005, he acted as Investigating Officer in Crime No. 203/2005 registered against one Amarnath Benerjee for offences under Sections 420, 467, 468 and 471 IPC, during which he allegedly seized certain articles including gold and diamond ornaments, electronic items, LIC policy and cash of Rs. 8,600/-. After completion of investigation, charge-sheet was filed and the accused Amarnath was acquitted with a direction to return the seized articles. Subsequently, upon request for return of the articles, it was found that no entry of deposit was made in the malkhana register, and on that basis, the then Station House Officer lodged an FIR against the petitioner alleging negligence and commission of offence under Section 409 IPC. It is submitted that till date charges have not been framed against the petitioner, and prima facie the allegations do not attract the ingredients of Section 409 IPC, hence the present petition.

4. Learned counsel for the petitioner submits that the contents of the FIR, even if taken at their face value, do not attract the ingredients of Section 409 IPC against the present petitioner and, therefore, the same deserves to be quashed. It is contended that the alleged offence pertains to the year 2005, whereas the FIR has been lodged in the year 2019, after an inordinate delay of about 14



years, during which several officers were posted at the concerned police station, and there is absolutely no material to show that the petitioner misappropriated or dishonestly converted the seized articles. It is further submitted that at the relevant time in Crime No. 203/2005, the petitioner was posted as Sub-Inspector, while the then In-Charge of Police Station was UBS Chouhan and the Malkhana In-Charge was Ramchand Shukla, Head Constable. After completion of investigation, the final report/challan was submitted on 01.08.2005 by the then In-Charge UBS Chouhan through Court Moharir Constable Nag Sharma before the Court of Chief Judicial Magistrate, Raipur and the seized articles were produced before the Court as part of the challan, whereupon the learned CJM directed that the articles be sent to the Court Malkhana. From the order-sheet it is evident that the challan was submitted by the then In-Charge through the Moharir, and once the seized articles were produced before the Court and orders were passed regarding their custody, the role of the petitioner came to an end. It is argued that the Malkhana In-Charge is the competent person responsible for making necessary entries regarding seized property, and the charge-sheet bearing No. 200/2005 submitted by the petitioner was accepted by the learned Chief Judicial Magistrate without any objection regarding deposit of seized property. Had the articles not been produced, the same would have been reflected in the order-sheet. Therefore, without conducting proper investigation as to whether the properties were



produced before the Court along with the charge-sheet, the presently posted T.I. mechanically lodged the FIR against the petitioner, and thus no offence under Section 409 IPC is made out.

5. Learned State counsel appearing for the State opposes the prayer for quashing of the charge-sheet dated 11.12.2020 in Crime No. 0382/2019 against the petitioner for the offence punishable under Section 409 of the IPC along with order of cognizance dated 21.12.2022 and consequential proceedings in Criminal Case No. 18252/2022 and submits that since the charge-sheet has already been filed and cognizance has already been taken by the competent authority, this petition has virtually become infructuous and as such, the same may be dismissed.
6. Learned State counsel further submits that a bare of charge-sheet clearly discloses the commission of cognizable offences and sufficient material against the accused. It is alleged that the then Sub-Inspector, Jeevan Prakash Kujur / petitioner herein during the course of investigation, had seized certain articles from accused Amarnath Banerjee, including gold and diamond ornaments, electronic items, LIC policy and cash of Rs.8,600/- as per the seizure memo. After the acquittal of the accused, Amarnath Banerjee moved an application before the Court seeking return of the seized articles, whereupon the seizure register of the year 2005 was examined and the said articles were allegedly found not



entered in the register. It is further mentioned that several communications were made to the then Sub-Inspector Jeevan Prakash Kujur seeking information regarding the seized property, but no information was furnished. An explanation was also sought from the then Malkhana/merchandise clerk PR No. 609 Gendram Patel, who stated that the seizure register had not been entered by the then concerned clerk, indicating negligence on the part of the Investigating Officer. On the basis of the complaint submitted by Amarnath Banerjee and upon scrutiny of the police station property register and relevant records, an offence under Section 409 IPC was found to be made out against the accused Jeevan Prakash Kujur. Accordingly, on the basis of documentary evidence, statement of the complainant and report of the then Police Station In-Charge, sufficient material was found and Charge-Sheet No. 324/2020 dated 12.12.2020 was prepared and filed before the competent Court in pursuance to which, cognizance has been taken by the competent Court.

7. We have heard learned counsel for the parties and perused the documents appended with petition.
8. Upon perusal of the record, this Court finds that the charge-sheet dated 11.12.2020 filed in Crime No. 0382/2019 discloses prima facie material indicating commission of offence under Section 409 IPC against the petitioner. The allegations regarding seizure of articles, their alleged non-entry in the malkhana register, and the



subsequent failure to furnish explanation, constitute matters requiring appreciation of evidence, which cannot be adjudicated in proceedings under Section 482 CrPC. Since cognizance has already been taken by the competent Court on 21.12.2022 in Criminal Case No. 18252/2022 and the charge-sheet reveals sufficient material for proceeding against the petitioner, no case for quashing is made out.

9. Accordingly, this petition being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice

Manpreet