



2026:CGHC:9787-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 594 of 2026**

Rahul Singh S/o Brijbhushan Singh Aged About 27 Years R/o
Pandavpara P.S. Patna District- Korea (C.G.)

... Petitioner**versus**

1 - State of Chhattisgarh Through- P.S. Patna District- Korea (C.G.)

2 - ABC Nill

... Respondents

For Petitioner : Mr. Tarendra Kumar Jha, Advocate

For Respondent : Mr. Priyank Rathi, Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****25.02.2026**

1. Heard Mr. Tarendra Kumar Jha, learned counsel for the petitioner as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondent.
2. The present petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita has been filed by the petitioner with following prayer :

"It is, therefore, prayed that the Hon'ble Court be pleased to allow the petition and be pleased to quash the First Information report dated 23.08.2025"



along with the charge-sheet and taking cognizance by learned Add. Session Judge (FTC) Baikunthpur District- korea on 27.11.2025 proceeding in connection with the crime bearing Crime/FIR No. 0166/2025 dated 23.08.2025, Framing of charge dated 10.12.2025, Session Trial no. 122/2025 u/s 64(2)(f), 64(2)(m), 296,351(3), 115(2) of BNS 2023 (Annexure P-1) (colly), in the interest of justice.”

3. Case of the prosecution, in brief, is that the complainant / respondent No.2, who is the maternal aunt of petitioner lodged a complaint on 23.08.2025 at PS Patna District: Korea alleging that petitioner established physical relation with her forcibly on 08.08.2025, 11.08.2025, 19.08.2025 and 21.08.2025. On the basis of said complaint, an FIR No. 0166/2025 was registered u/s 64(2)(f), 64(2)(m), 296, 351(3), 115(2) of BNS 2023 against the petitioner. During the course of investigation complaint was medically examined and after completion of the investigation, charge sheet has been filed before the Court of Judicial Magistrate First Class, Baikunthpur, District Koriya (C.G.), wherefrom the case has been sent to the Sessions, Koriya and ultimately, the learned Additional Sessions Judge (FTC) / Special Judge under POCSO Act, Baikunthpur received the case on transfer for trial, wherein case has been registered as Sessions Case No. 122/2025. Being aggrieved by the same, the petition has been filed by the petitioner with the aforesaid prayer.
4. Learned counsel for the petitioner submitted that the petitioner



has been falsely implicated in the instant case and in the bail application of the petitioner, the complainant herself gave an affidavit that the petitioner has not committed rape with her and she has no objection in his bail application and such, the Additional Session Judge (FTC) grant bail to the petitioner by order dated 24.09.2022. He also submitted that SHO Patna has mentioned in his letter no:300/2025 dated 19.10.2025 written to SP for permission to file charge sheet that the complainant did not produce her children for recording of statement that the complainant appear twice before the Court for recording statement u/s 183 of BNSS, 2023 but denied the incident therefore her statement was not recorded. This letter is part of charge sheet filed the Court. He further submitted that the MLC is also negative, hence continuation of criminal proceedings would be abuse of process of law and the same deserves to be set aside.

5. On the other hand, learned Deputy Advocate General appearing for the State/respondent opposes this petition and submit that since the charge-sheet has been filed against the petitioner after due investigation and perusal of the materials on record discloses commission of cognizable offence, as such, no interference is warranted at this stage.
6. We have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
7. The record reflects that on the basis of complaint lodged by



respondent No.2 on 23.08.2025, FIR No. 0166/2025 has been registered against the petitioner for the offences punishable under Sections 64(2)(f), 64(2)(m), 296, 351(3), 115(2) of the BNS, 2023. After completion of investigation, charge-sheet has been filed before the competent Court and the matter is now pending trial as Sessions Case No. 122/2025 before the learned Additional Sessions Judge (FTC) / Special Judge under POCSO Act, Baikunthpur.

8. The principal contention of learned counsel for the petitioner is that the complainant has subsequently filed an affidavit in the bail proceedings stating that no such incident occurred and that she has no objection to grant of bail. It has also been contended that in proceedings under Section 183 of the BNSS, 2023, the complainant did not support the prosecution case and that the medical report (MLC) is negative.
9. At this stage, it is well settled that while exercising jurisdiction under Section 482 CrPC / corresponding inherent powers, this Court is not required to meticulously examine the evidence or adjudicate upon disputed questions of fact. The Court has only to see whether the allegations made in the FIR and the material collected during investigation prima facie disclose commission of a cognizable offence.
10. In the present case, the FIR contains specific allegations of forcible physical relations on multiple dates. The charge-sheet has



been filed after investigation and the materials collected by the investigating agency form part of the record before the trial Court. The effect of the alleged affidavit, the complainant's conduct during recording of statement under Section 183 BNSS, and the evidentiary value of the medical report are all matters which require appreciation of evidence and can be adjudicated only during trial.

11. The subsequent conduct of the complainant or filing of an affidavit in bail proceedings, by itself, cannot be a ground for quashing the proceedings when the allegations in the FIR and the charge-sheet disclose commission of serious and cognizable offences. Whether the complainant resiles from her earlier version and what impact it would have on the prosecution case are matters to be tested by cross-examination before the trial Court.
12. From the material placed on record, it cannot be said that no offence is made out or that the proceedings are manifestly attended with mala fide so as to warrant interference at this stage. The contentions raised by the petitioner pertain to defence, which cannot be considered in proceedings seeking quashment.
13. In view of the foregoing analysis, this Court does not find any ground to interfere with the criminal proceedings pending against the petitioner in Sessions Case No. 122/2025.
14. Accordingly, the petition being devoid of merit is hereby **dismissed**.



15. It is, however, made clear that any observation made herein shall not prejudice the case of either party during trial, and the learned trial Court shall decide the matter strictly in accordance with law on the basis of evidence adduced before it.
16. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra