



2026:CGHC:891

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 665 of 2024

- Vikash Kumar Singh, Shri Alakh Niranjana Singh Rajput Aged About 51 Years R/o Qr. No.B-1/13, Shahid Bhagat Singh Colony, Secl, Korba, District- Korba (C.G.). ... **Petitioner(s)**

versus

- State Of Chhattisgarh Through- The Principal Secretary Department Of Home, Mahanadi Bhawan, Nawa Raipur, Raipur (C.G.).
- The Station House Officer, Police Station Dipka Korba (C.G.).
- Babita Neelam Das, W/o Mustakh Khan, R/o B-182, Shakti Nagar Gevra, Korba District- Korba (C.G.). ----**Respondent(s)**

(Cause title taken from CIS)

For Petitioner	: Mr. Manoj Paranjpe, Sr. Advocate along with Mr. Abhinav Sharma, Advocate
For Respondent/State	: Mr. S.S. Baghel, G.A.
For Respondent No.3	: Mr. Sandeep Jha, along with Ms. Gunjan Tiwari, Advocates

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Arvind Kumar Verma, Judge

Order on Board

Per Arvind Kumar Verma, J.

07/01/2026

- Heard Mr. Manoj Paranjpe, Senior Counsel along with Mr. Abhinav Sharma, learned counsel for the petitioner, Mr. S.S. Baghel, G.A. for the respondent/ State and Mr. Sandeep Jha, along with Ms. Gunjan Tiwari, Advocates, learned counsel for respondent No.3.

2. The present petition has been filed by the petitioner with the following prayer:

“It is therefore prayed that this Hon’ble Court may be kind enough to quash the charge-sheet dated 19.09.2023 under Section 354(a)1(ii), 354(d), 506, 509(b) of the Indian Penal Code and under Section 3(1)(b)(ii), 3(2)(5)(v) (a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act pending before the Special Judge SC-ST Act Korba in Special Criminal Case No. Special Case (SC/ST) 9/2023 (Annexure P/1) as it is abuse of process of law and untenable in the eye of law”

3. Facts of the case are that on 22/05/2020 the Respondent No. 3 / Complainant Babita Neelam Das made a written complaint before the Superintendent of Police, Korba with allegation against the present petitioner that she was subjected to forceful sexual intercourse by the present petitioner in the year 2006. During the court appearance in the said case, her husband Mohd. Mustak Khan was kidnapped by the present petitioner from near the Court and threatened the complainant through mobile phone that if she did Change her statement in the court in the rape case, her husband would be beaten to death. The complainant further stated in her complaint that on the aforesaid criminal intimidation she was changed her statement before the Court and consequently the present petitioner was acquitted. The complainant further stated that in the intervening night of 13-14/05/2020, the present petitioner from his mobile phone has called with filthy language and started abusing her by asking for developing physical relation, when she refused then the petitioner started threatening her that he will make viral the personal photographs and on next date some of the photographs were found lying the boundary wall of her house. Finding

substance in the allegations made by the respondent no. 3 the Police Station Dipka District Korba registered the case on 22/05/2020 vide Crime No. 75/2020 for commission of cognizable offence punishable U/s 354(a)(1)(ii), 354(d), 506, 509(b) of I.P.C. and Section 3(1)(b)(ii), 3(2)(v)(a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

4. Learned counsel for the petitioner submits that it is an admitted position in the case, even as per the case of the complainant and the prosecution, the incident occurred on the intervening night of 13-14/05/2020, however, the report was lodged after a delay of about 6-7 days. In the Column No. 8 of the FIR, the reason for delay is also mentioned, which shows that, the delay in the lodging of the report is because the complainant itself has lodged the report with a delay, but no explanation at all is given about the delay. This piece of evidence itself is sufficient to prove the fact that, the present report is lodged after due thought by the present complainant, and a false complaint is lodged against the present petitioner, as a result of old enmity between the petitioner and the complainant. It is also clear from the Call Detail Report which is submitted along with the present charge-sheet by the Police, multiple calls were made by the present complainant to the petitioner, which substantiate the fact that she herself was torturing and blackmailing the present petitioner.
5. Learned counsel for the petitioner submits that in the year 2006

also, the complainant on the same allegation has made a complaint before the police authorities, where vide FIR dated 26/01/2006 and Crime No. 19/2006, offence under Section 376, 506, 34 of IPC was registered against the present petitioner. In the said FIR, it was alleged by the complainant Babita Neelam Das that she was having some love relation since last 3-4 years with the present petitioner, when he refused to marry with the complainant, then a report dated 26/01/2006 was registered by her, in the same complaint it was also alleged by the complainant Babita Neelam Das that there was forcible physical relation committed by the petitioner, it is further alleged that the petitioner had also taken certain photographs and was blackmailing the present complainant, it is further alleged that in the said FIR, the petitioner has also taken lot of money by blackmailing her in the garb of the personal photographs. Vide order dated 17.11.2011 (Annexure P-5), the Special Sessions Court (Atrocities) Korba passed a judgment arising out of FIR dated 26.01.2006 and Crime no. 19/2006, offence under section 376, 506, 34 of IPC, whereby the petitioner has been granted acquittal, however has convicted the Respondent no. 3 for filing false case and abusing the process of the court. It is also crystal clear that the allegations put on the petitioner by Respondent no. 3 were leveled with ill-intention of the Respondent no. 3, it is also clear that there was no offence committed by the present petitioner either under Section 376, 506 read with Section 34 of IPC, Vide judgment dated 17.11.2011 (Annexure P/5) directed the registration of the

case against Respondent no. 3 under Section 344 of CrPC, then offences under Section 193, 199, 203 of IPC were registered against Respondent no. 3 and a full fledged trial was also convened before the court, where Respondent no. 3 was punished for the commission of offence under Section 193, 199, 203 of IPC vide judgement dated 04.11.2019 (Annexure P/6). Against the Judgment dated 04.11.2019, the complainant Babita Neelam Das preferred an appeal before the First Additional Sessions Judge, Korba where she has been given benefit of doubt. It is also worthy to state here that the police has also investigated same crime with the same allegations of blackmailing in the garb of personal photographs earlier and petitioner has already faced a full fledged trial on the same allegation, hence the present registration of the FIR on the same allegation is abuse of process of law, and lead to the petitioner to double jeopardy.

6. Learned counsel for the petitioner would submit that by overall appreciation of the charge-sheet in the present case, it reaches to a conclusion that the allegations for which the present petitioner has already tried by the competent Court, is now been again alleged and leveled by the present complainant, which is not tenable and same is abuse of process of law. the Police has further added the offence under Section 3(1)(b)(ii), 3(2) (5) (v) (a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, without verifying the fact that the false certificate of the caste has been secured and procured by the present

complainant and which is being continuously used, abuse and misuse by hook or crook, by false declaration, complainant is always succeeded to harass the petitioner, to get registration a case under Section SC/ST Act, this piece of evidence, circumstance and fact itself is sufficient to demonstrate the fact that the complainant herself is in habit of commit of crime, which is crystal clear from the oral facts and circumstances of the case. Lastly, learned counsel for the appellant would submit that the police of Police Station has submitted a list of cases which were registered against the petitioner on different point of time, same list is a part of the charge-sheet, only to prejudice the proceedings before this Court because in all the cases the petitioner has been acquitted by competent jurisdictional court after due and complete trial. Hence he prays for quashment of present charge-sheet and entire criminal proceedings.

7. On the other hand, learned State counsel as well as learned counsel for respondent No. 2 opposed the submissions made by learned counsel for the petitioner and supported the impugned proceedings. that from the accusation made by the complainant and corroborated by the independent evidence the Police found commission of a cognizable offence and, therefore, registered the case U/s 354(a)(1)(ii), 354(d), 506, 509(b) of I.P.C. and Section 3(1)(b)(ii), 3(2)(v) (a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. and ultimately submitted the charge-sheet before the competent court of jurisdiction. He further submits that in the matter of State of Hariyana and others

Vs. Ch. Bhajanlal & others reported in A.I.R. 1992 S.C. 604 (paragraph 108 & 109) the Supreme Court has illustratively given certain guidelines wherein the extra ordinary jurisdiction under Article 226 of the Constitution of India or U/s 482 of the Cr.P.C. should be exercised but the petitioner has absolutely been failed to bring home his case within any of the given 7 guidelines. Therefore, the instant petition is devoid of merits and is liable to be dismissed.

8. We have heard and considered the submissions of learned counsel for the parties and upon perusal of the materials on record,
9. Upon a careful perusal of the FIR, charge-sheet and the material placed on record, it is not in dispute that the complainant had earlier levelled almost identical allegations against the petitioner relating to forcible physical relationship, blackmailing by personal photographs and criminal intimidation, which culminated in FIR dated 26.01.2006. The said case ended in acquittal of the present petitioner after a full-fledged trial and further resulted in prosecution of the complainant herself for perjury and filing a false case. The recurrence of substantially similar allegations, after a long lapse of time, against the same person, unmistakably reflects a pattern of harassment and vindictive litigation rather than a bona fide pursuit of justice.
10. Though the present FIR pertains to the alleged incident of May,

2020, the foundational allegations of sexual exploitation, threats and misuse of photographs are a repetition of earlier accusations which have already been adjudicated upon by a competent court. Permitting such prosecution to continue would amount to subjecting the petitioner to repeated criminal proceedings on the same set of accusations, which is impermissible in law and defeats the very object of fair administration of criminal justice.

11. The unexplained delay in lodging the FIR, coupled with the material placed on record including the call detail records showing repeated calls from the complainant to the petitioner, further casts serious doubt on the veracity of the allegations. At this stage, the material collected during investigation does not inspire confidence so as to disclose the essential ingredients of the alleged offences, and continuation of the criminal proceedings would serve no purpose except to harass the petitioner.
12. In ***Maheshwar Tigga vs. State of Jharkhand***, reported in ***(2020) 10 SCC 108***, the Hon'ble Supreme Court observed that unexplained delay in lodging FIR in cases of sexual assault casts serious doubt on the veracity of allegations, particularly when the parties are closely related and the allegations are raised belatedly.
13. The Supreme Court in ***State of Haryana & Ors. v. Bhajan Lal & Ors.***, **AIR 1992 SC 604**, has categorically held that where

criminal proceedings are manifestly attended with mala fide and are maliciously instituted with an ulterior motive for wreaking vengeance, the High Court would be justified in exercising its inherent powers to quash such proceedings. The present case clearly falls within the said parameters.

14. In view of the foregoing discussion, this Court is of the considered opinion that allowing the criminal proceedings to continue would result in gross abuse of the process of law and miscarriage of justice. Consequently, the present petition deserves to be allowed.
15. Accordingly, the CRMP is **allowed**. The charge-sheet dated 19.09.2023 and the entire criminal proceedings pending before the learned Special Judge, SC/ST Act, Korba in Special Criminal Case No. 9/2023, arising out of Crime No. 75/2020 registered at Police Station Dipka, District Korba, are hereby quashed.
16. Accordingly, the instant CRMP is **allowed** with the aforesaid direction.

Sd/-

(Arvind Kumar Verma)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice