



2026:CGHC:10158-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 619 of 2026**

Joidha Ram Sahu S/o Bholaram Sahu, Aged About 48 Years R/o
Kalmidadar, Tehsil Tendukona, District- Mahasamund (C.G.)

... Petitioner(s)**versus**

1. State of Chhattisgarh Through Station House Officer, Police Station Tendukona, Tehsil Tendukona, District- Mahasamund (C.G.)
2. Shravan Singh Thakur S/o Shri Vrinda Singh Thakur Aged About 60 Years Posted As Branch Manager, District Cooperative Central Bank Limited Raipur, Branch Tendukona R/o Ward No. 01, Bagbahra, District- Mahasamund (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Surfaraj Khan, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

27.02.2026

1. Heard Mr. Surfaraj Khan, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondent No. 1.

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

"It is, therefore, prayed that the petition may kindly be allowed and the FIR No. 12 of 2026 (Annexure P/1), U/s. 316(5) of the BNS, registered at Police Station – Tendukona, District Mahasamund (C.G.), may kindly be quashed, in the interest of justice."

3. The prosecution story, in brief, is that on the basis of a written complaint submitted by the complainant (respondent No. 2), who was posted as Branch Manager, District Cooperative Central Bank Limited, Raipur, Branch Tendukona, and pursuant to Letter No. U.M.N./Dhan/2025/2926 dated 27.01.2026 issued by the Office of the Deputy Commissioner, Cooperation and Deputy Registrar, Cooperative Societies, District Mahasamund, a physical verification of stock was conducted on 26.01.2026 at the Paddy Procurement Centre, Tendukona, under the Primary Agricultural Credit Cooperative Society Maryadit, Registration No. 1127. During verification by the Naib



Tehsildar, Bagbahara, along with other officials, it was found that as against the online record reflecting 1,44,794 katta/bags of paddy, only 1,42,645 katta/bags were physically available. Consequently, a shortage of 2,149 katta/bags (859.60 quintals) was alleged, resulting in a notional financial loss of Rs. 26,64,760/- calculated at the support price of Rs. 3,100/- per quintal. On the basis of the said complaint, a prima facie offence under Section 316(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) was registered against the present petitioner, who was working as Procurement In-charge, and investigation was set into motion.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated solely on the basis of an alleged shortage detected during physical verification. It is contended that neither the complaint nor the FIR contains any specific allegation of misappropriation, embezzlement, or dishonest intention attributable to the petitioner. The petitioner was discharging his duties as Procurement In-charge under the supervision and control of superior authorities, and fastening exclusive criminal liability upon him is stated to be arbitrary and unsustainable. It is further urged that as per the statement recorded by the Committee on 26.01.2026, there was in fact no deficiency in stock, which clearly demonstrates that the alleged shortage is unsubstantiated.

5. It is further contended by the learned counsel for the petitioner that even if the allegations in the FIR are taken at their face value, the



essential ingredients of the offence under Section 316(5) of the BNS are not made out. There is no averment that the petitioner derived any wrongful gain or intentionally caused wrongful loss to the Government. In the absence of mens rea, continuation of criminal prosecution is argued to be legally untenable. The alleged shortage of 2,149 katta/bags is stated to have arisen because Stack Nos. 12 and 14 were not counted during physical verification as they had been kept aside. Thus, according to the petitioner, the very foundation of the alleged shortage stands explained. It is further submitted that the discrepancy is based merely on a comparison between online records and physical counting undertaken on a single day, without proper reconciliation of stock registers, transit entries, stacking variations, clerical errors, or delay in data updation. No comprehensive reconciliation exercise was undertaken prior to registration of the FIR, and therefore, initiation of criminal proceedings on the basis of a provisional discrepancy is wholly unjustified.

6. Learned counsel for the petitioner further submitted that the procurement process involves several officials and staff responsible for weighing, stacking, data entry, supervision, and maintenance of records. The petitioner cannot be held vicariously liable for the entire functioning of the procurement centre. It is argued that criminal jurisprudence does not recognise vicarious liability unless specifically provided by statute, which is not the position in the present case. It is also contended that the impugned FIR appears to have been registered mechanically on the basis of the complaint of the Branch Manager,



without any independent preliminary inquiry to ascertain the actual cause of the discrepancy. At best, the allegations disclose administrative or accounting irregularities which, if at all, may attract departmental proceedings under the relevant provisions of the Chhattisgarh Cooperative Societies Act and Rules. However, initiation of criminal prosecution in the absence of clear material indicating criminal intent is stated to be unwarranted. A bare perusal of the FIR, according to the petitioner, reveals no specific overt act attributed to him and the allegations are vague and omnibus in nature. The proceedings are alleged to be mala fide and instituted without proper application of mind, resulting in grave prejudice and harassment.

7. It is further submitted that even if the allegations contained in the FIR are accepted in their entirety, they do not constitute any offence so as to justify continuation of the investigation. The petitioner submits that he has no other efficacious remedy except to invoke the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) (corresponding to Section 482 of the Code of Criminal Procedure). It is contended that permitting the criminal law to be set in motion on vague and unsubstantiated allegations would amount to abuse of the process of law and manifest injustice.

8. Learned counsel for the petitioner further submits that the proceedings have been initiated in undue haste and without due care. Under Section 58 of the Chhattisgarh Cooperative Societies Act, 1960, the competent authority, namely the Deputy Registrar, is empowered to



conduct an inquiry into such matters. Instead of following the statutory mechanism, a private complaint has been selectively acted upon to falsely implicate the petitioner. It is contended that where criminal proceedings are manifestly attended with mala fide or instituted maliciously with an ulterior motive, the same are liable to be quashed. The registration of the FIR, according to the petitioner, is an abuse of the process of law and deserves to be set aside.

9. *Per contra*, learned State counsel opposes the petition and submits that the FIR has been registered on the basis of a written complaint and an inspection report disclosing commission of cognizable offences. It is submitted that during official verification conducted by competent revenue and cooperative authorities, a substantial shortage of paddy stock was detected, resulting in financial loss to the Government. The petitioner was functioning as Procurement In-charge and was responsible for supervision and custody of stock at the procurement centre. At this stage, the Court is only required to see whether the allegations disclose a cognizable offence; detailed examination of defence pleas or explanations offered by the petitioner is impermissible. The State contends that the issues raised by the petitioner involve disputed questions of fact which can be examined only after investigation and, if necessary, during trial. Hence, no case for quashing is made out.

10. We have heard learned counsel for the parties and perused the material available on record, including the impugned FIR.



11. It is well settled that the jurisdiction to quash an FIR or criminal proceedings is extraordinary in nature and is to be exercised sparingly, with circumspection, and in rarest of rare cases. Ordinarily, the Court should not interfere with the statutory power of the police to investigate cognizable offences. An FIR can be quashed only where the allegations made therein, even if taken at their face value and accepted in their entirety, do not disclose the commission of any offence or make out a case against the accused. The principles governing exercise of such jurisdiction have been authoritatively laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***, reported in ***AIR 1992 SC 604***; ***Rupan Deol Bajaj v. K.P.S. Gill***, reported in ***(1995) 6 SCC 194***; ***Rajesh Bajaj v. State of NCT of Delhi***, reported in ***(1999) 3 SCC 259***; ***Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd.***, reported in ***(2000) 3 SCC 269***; ***State of Orissa v. Saroj Kumar Sahoo***, reported in ***(2005) 13 SCC 540***; and ***Neharika Infrastructure Pvt. Ltd. v. State of Maharashtra***, reported in ***2021 SCC OnLine SC 315***.

12. Applying the aforesaid principles to the facts of the present case, this Court is of the considered opinion that the contentions raised by the petitioner pertain essentially to disputed questions of fact, including reconciliation of stock, correctness of physical verification, alleged non-counting of certain stacks, and absence of mens rea. Such issues require appreciation of evidence and examination of records, which fall within the domain of investigation and, if warranted, trial. At this stage, it cannot be conclusively held that the FIR has been lodged with mala fide intent or that the allegations are so absurd and inherently improbable



that no prudent person could ever reach a just conclusion that an offence has been committed.

13. A perusal of the FIR reveals that it has been registered on the basis of a written complaint submitted by the Branch Manager, District Cooperative Central Bank Maryadit, Raipur, Branch Tendukona. The complaint states that pursuant to Letter No. U.M.N./Dhan/2025/2926 dated 27.01.2026 issued by the Office of the Deputy Commissioner, Cooperation and Deputy Registrar, Cooperative Societies, District Mahasamund, a physical verification of paddy stock was conducted at the Paddy Procurement Centre, Tendukona, under Primary Agricultural Credit Cooperative Society Maryadit, Registration No. 1127. During the said verification, it was alleged that as against the online record of 1,44,794 bags/sacks of paddy, only 1,42,645 bags/sacks were physically found, thereby showing a shortage of 2,149 bags/sacks (859.60 quintals). On this basis, a notional loss of Rs. 26,64,760/- at the support price of Rs. 3,100 per quintal was alleged, and it was imputed that the Procurement In-charge, Shri Jodhiya Ram Sahu, had caused financial irregularity and loss to the Government. On the strength of the said complaint, a prima facie offence under Section 316(5) of the BNS was registered and investigation was set into motion against the petitioner.

14. It is a settled principle of law that once an FIR discloses commission of a cognizable offence, the investigating agency must be permitted to proceed in accordance with law. The defence of the



accused, the explanation regarding non-counting of certain stacks, and the contention that the discrepancy is only provisional are matters to be considered during investigation. At the stage of quashing, the Court is not expected to embark upon a meticulous examination of evidence or adjudicate upon the sufficiency of material. The allegations in the present FIR, taken at their face value, do disclose a cognizable offence warranting investigation.

15. In view of the foregoing discussion and in light of the law laid down by the Hon'ble Supreme Court in the decisions referred to hereinabove, this Court is not inclined to exercise its inherent jurisdiction to quash the impugned FIR. The petition is accordingly **dismissed**. It is, however, observed that any observations made herein are confined to the adjudication of the present petition and shall not influence the investigation or trial on merits.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice