



2026:CGHC:12378-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 751 of 2026

1 - Arun Sahu S/o Majo Ram Sahu Aged About 48 Years R/o Village Hasuwa, Police Station Gidhouri, District Balodabazar-Bhatapara (C.G.)

2 - Manjulata Sahu W/o Arun Kumar Sahu Aged About 38 Years R/o Village Hasuwa, Police Station Gidhouri, District Balodabazar-Bhatapara (C.G.)

3 - Ku. Anju Sahu D/o Subhash Chand Sahu Aged About 35 Years R/o Ashok Nagar, Bilaspur, Police Station Sarkanda, District Bilaspur (C.G.)

4 - Ku. Shalini Sahu D/o Subhash Chand Sahu Aged About 30 Years R/o Ashok Nagar, Bilaspur, Police Station Sarkanda, District Bilaspur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Gidhouri, District Balodabazar, Chhattisgarh

2 - Suraj Kamal Sahu S/o Shri Tijram Sahu Aged About 50 Years R/o Village Gidhouri, Tehsil Tundra, District Balodabazar Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Rishabh Dev Singh, Advocate

For Respondent(s) : Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Ravindra Kumar Agrawal, Judge

**Judgment on Board****Per Ramesh Sinha, Chief Justice****16.03.2026**

1. Heard Mr. Rishabh Dev Singh, learned counsel for the petitioners.
Also heard Mr. Sourabh Sahu, learned Panel Lawyer for the respondent No.1 / State.

2. The petitioners have filed this petition with following prayer:

“A. That, the Hon'ble court may kindly be pleased to set aside the impugned charge sheet filed by the respondent no. 1 bearing final report no. 97/2025 dated 20.06.2025 in FIR no. 129 of 2025 dated 30.05.2025 under Section 333, 296, 115(2), 351(3), 324(2) and 3(5) of BNS (Annexure P/1) and impugned order of taking cognizance of Charge sheet dated 14.07.2025 of the final report no. 97/2025 dated 20.06.2025 by the Learned Judicial Magistrate First Class, Kasdol, Dist. Balodabazar (Annexure P/2).

B. That, the Hon'ble court may kindly be pleased to set aside the consequential proceedings going on in Criminal Case no 1459/2025, before the Learned Judicial Magistrate First Class, Kasdol, Dist. Balodabazar.

C. Any other relief which this Hon'ble Court deems fit and proper may also kindly be granted to the Petitioner, in the interest of justice.”

3. It is the case of the petitioners that the dispute between the parties originated from a prior financial transaction wherein



petitioner No. 1 had advanced a sum of Rs.10,00,000/- to respondent No. 2 under a notarized agreement dated 21.12.2023, repayable by 21.01.2025. Upon failure of repayment and persistent demands, a quarrel allegedly took place on 29.05.2025 arising directly out of the said monetary dispute. It is further submitted that petitioner No. 1 subsequently instituted a civil suit for recovery, which came to be decreed in his favour by judgment dated 03.02.2026 granting recovery of Rs.10,50,000/- with costs, thereby demonstrating the civil and financial nature of the underlying controversy. It is also contended that cross-complaints were lodged by both sides in relation to the same incident, indicating a mutual altercation rather than a unilateral assault. The allegations in the FIR are general and omnibus without specific attribution of overt acts to individual petitioners, and the medical reports reveal only simple injuries with no grievous or life-threatening harm. Despite this, serious provisions including Section 333 BNS relating to house-trespass after preparation for causing hurt have been invoked without any material showing prior preparation or premeditation. The petitioners, who are on bail and cooperating with the trial, therefore challenge the legality of the impugned charge-sheet, cognizance order and consequential proceedings pending in Criminal Case No. 1459/2025 before the learned JMFC, Kasdol, as being arbitrary, unsustainable and liable to be quashed.



4. Learned counsel for the petitioners submits that the impugned charge-sheet bearing Final Report No. 97/2025 dated 20.06.2025 arising out of FIR No. 129/2025 dated 30.05.2025, registered for offences under Sections 333, 296, 115(2), 351(3), 324(2) and 3(5) of the BNS, 2023, along with the order dated 14.07.2025 passed by the learned Judicial Magistrate First Class, Kasdol taking cognizance and the consequential proceedings pending in Criminal Case No. 1459/2025, are ex facie bad in law and liable to be quashed. It is contended that even if the entire allegations contained in the FIR and charge-sheet are taken at their face value and accepted in entirety, the essential ingredients of the offences alleged, particularly the aggravated provision relating to house-trespass after preparation for causing hurt, are not made out, as the material on record clearly indicates that the incident arose out of a sudden altercation between the parties in the backdrop of an existing monetary dispute, without any prior preparation, premeditation or common intention. Learned counsel further submits that the medical reports disclose only simple injuries with no grievous or life-threatening harm, thereby demonstrating exaggeration in invocation of stringent penal provisions so as to give a criminal colour to what is essentially a private financial dispute. It is urged that the prosecution case itself reflects allegations of a minor scuffle involving use of wooden sticks, hands and slippers, which at best indicates a spontaneous quarrel rather than a pre-planned attack, and therefore the



continuation of criminal proceedings would amount to abuse of the process of Court and unnecessary harassment of the petitioners. It is thus submitted that in the absence of foundational facts constituting the alleged offences, and considering that the dispute has already been adjudicated in civil proceedings, the impugned criminal prosecution is legally unsustainable and deserves to be quashed in the interest of justice.

5. On the other hand, Learned State counsel submits that as per the prosecution case, the complainant Suraj Kamal Sahu lodged a written report on 30.05.2025 stating that on 29.05.2025 at about 6:00 PM the accused persons, namely Arun Kumar Sahu along with his wife and other co-accused, forcibly entered his house in connection with a monetary dispute, abused the complainant and his family members in obscene language, threatened him with dire consequences and assaulted him with hands, fists and an iron rod, thereby causing injuries and damaging household articles as well as vehicles parked at the spot. It is further submitted that the accused persons again returned at about 10:30 PM and, while standing outside the locked gate, continued abusing and caused damage to the rear glass of the complainant's car. On the basis of the said report, offences under Sections 333, 296, 115(2), 351(3), 324(2) and 3(5) of the BNS, 2023 were registered and taken up for investigation. During investigation, statements of the complainant and other witnesses



were recorded, damaged vehicles were seized and a panchnama of the spot and articles was duly prepared. Learned State counsel further submits that one iron rod allegedly used in the incident was recovered at the instance of the accused Arun Kumar Sahu, and upon collection of sufficient incriminating material and prima facie evidence, the accused persons were arrested and subsequently released on bail pursuant to the order of the learned Trial Court. It is contended that after completion of a fair and thorough investigation, sufficient material was found establishing the involvement of the accused persons in the alleged offences, and accordingly Charge-sheet No. 97/2025 dated 20.06.2025 was filed before the learned Trial Court. It is thus submitted that the allegations disclose commission of cognizable offences and the matter requires adjudication on merits during trial, and therefore the present petition seeking quashment deserves to be dismissed in the interest of justice.

6. We have heard learned counsel for the parties and perused the documents appended with petition.
7. Considering the facts and circumstances of the case and the submissions advanced by the learned counsel for the parties, this Court is of the considered opinion that the allegations made in the FIR and the charge-sheet disclose prima facie commission of cognizable offences which require appreciation of evidence during the course of trial. The existence of counter FIRs and the plea that the incident arose out of a financial dispute are matters of defence



which cannot be conclusively adjudicated in proceedings under the inherent jurisdiction of this Court at the threshold stage. The prosecution material, including statements of witnesses, seizure of alleged weapon and preparation of spot panchnama, cannot be said to be wholly absurd or inherently improbable so as to warrant interference.

8. Accordingly, this Court is not inclined to interfere at this stage, and the petition, being devoid of merit, is liable to be and is hereby **dismissed**.

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

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

Manpreet