



2026:CGHC:12591-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 765 of 2026

1 - Francisca Beck S/o Late Agustin Beck Aged About 62 Years R/o Near Namnakala Power House Police Station Gandhinagar District-Surguja Chhattisgarh

2 - Deep Prabha Toppo W/o Asim Toppo Aged About 38 Years R/o Near Namnakala Power House Police Station- Gandhinagar District- Surguja Chhattisgarh

... **Petitioners**

versus

State of Chhattisgarh Through Station House Office Police Station Gandhinagar District Surguja Chhattisgarh

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Sanjay Pathak, Advocate
For Respondent-State	:	Mr. Sourabh Sahu, Panel Lawyer

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

Order on Board

Per Ramesh Sinha, Chief Justice

17.03.2026

1. Heard Mr. Sanjay Pathak, learned counsel for the petitioners as well as Mr. Sourabh Sahu, learned Panel Lawyer appearing for the State/respondent.



2. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS, 2023') praying for following relief(s) :-

“a) That this Hon'ble Court may kindly be pleased to quash and set aside Chargesheet bearing No. 358/2025 dated 16.09.2025 filed by the Police of Police Station Gandhinagar, Ambikapur, District Surguja, Chhattisgarh, in Crime No. 155/2025, to the extent it relates to the present petitioners;

b) That this Hon'ble Court may kindly be pleased to quash and set aside the order dated 02.02.2026 passed by the learned Seventh Additional Sessions Judge, Ambikapur, District Surguja, Chhattisgarh, whereby the application under Section 250 of the BNSS, 2023 preferred by the present petitioners seeking discharge was rejected;

c) That this Hon'ble Court may kindly be pleased to quash and set aside the order dated 05.02.2026 passed by the learned Seventh Additional Sessions Judge, Ambikapur, District Surguja, Chhattisgarh, whereby charges under Sections 108 and 3(5) of the BNS, 2023 have been framed against the present petitioners in connection with Crime No. 155/2025.

d) That this Hon'ble Court may kindly be pleased to Discharge the petitioners from the offences under Sections 108 and 3(5) of the BNS, 2023 in the aforesaid case pending



before the learned Seventh Additional Sessions Judge, Ambikapur, District Surguja, Chhattisgarh;

e) That this Hon'ble Court may kindly be pleased to pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

3. The present case arises out of Crime No. 155/2025 registered at Police Station Gandhinagar, Ambikapur, District Surguja (Chhattisgarh), initially on the basis of Merg No. 11/2025. An FIR dated 04.03.2025 came to be registered under Section 108 of the BNS against one Akash Aldeep Beck, wherein the names of the present petitioners were not mentioned.
4. As per the prosecution case, on 02.02.2025, the deceased, Varsha Kujur, allegedly committed suicide by hanging herself at her matrimonial home situated at Namnakala Power House, Ambikapur. Upon noticing the incident, her husband, Akash Aldeep Beck, brought her down and took her to Mission Hospital, Ambikapur, where she was declared dead. Subsequently, a merg intimation was recorded, inquest (Panchanama) proceedings were conducted, and post-mortem examination was carried out at Medical College Hospital, Ambikapur.
5. During the course of investigation under Section 194 of the BNSS, statements of the family members of the deceased and other witnesses were recorded. On the basis of the statements of the



maternal family members and other material collected, the investigating agency formed an opinion that the deceased had committed suicide due to alleged harassment by her husband. Consequently, apart from the husband, the present petitioners, namely the mother-in-law and sister-in-law of the deceased, were also implicated and arrayed as accused persons, and a charge sheet bearing No. 358/2025 was filed on 16.09.2025 before the competent Court.

6. Aggrieved by their implication, the petitioners preferred an application under Section 250 of the BNSS, 2023 seeking discharge; however, the same was rejected by the learned Seventh Additional Sessions Judge, Ambikapur, vide order dated 02.02.2026. Thereafter, charges under Sections 108 and 3(5) of the BNS, 2023 were framed against the petitioners by order dated 05.02.2026.
7. Learned counsel for the petitioners submits that the impugned orders passed by the learned Trial Court are wholly unsustainable in law and on facts. It is contended that even as per the prosecution story, the unfortunate death of the deceased occurred on account of her suspicion regarding the alleged relationship of her husband with another woman, and there is not even a whisper of allegation attributing any act of instigation, intentional aid, or active participation to the present petitioners so as to constitute an offence of abetment. It is further submitted that petitioner No.1,



Francisca Beck, was not even present at the place of occurrence, as she had gone to her maternal home in the State of Jharkhand about one month prior to the incident. Similarly, petitioner No.2, Deep Prabha Toppo, was residing at her matrimonial home and had travelled to Bhilai prior to the incident, and her return journey to Ambikapur commenced only after receiving information of the incident, which is duly corroborated by documentary evidence including travel and toll records. Thus, their absence from the place of occurrence clearly demolishes the very foundation of the prosecution case insofar as the present petitioners are concerned.

8. Learned counsel further submits that the marriage between the deceased and her husband was a love marriage later formalized socially, and both parties belong to the Scheduled Tribe (Uraon) community, where the practice of dowry is unknown. On the contrary, the customary practice of the community requires the groom's side to bear certain expenses and provide customary articles to the bride's family, which stands duly established by the written document executed in the presence of Panchas. Hence, the allegation of dowry demand is inherently improbable and baseless. It is also contended that the deceased was residing separately from the present petitioners, and no specific allegation of cruelty or harassment has been attributed to them. The statements recorded during investigation are vague, omnibus, and devoid of any particulars such as date, time, or specific overt act. Moreover, during her lifetime, the deceased never lodged any



complaint against the present petitioners before any authority or even before the community Panchayat, which clearly indicates absence of any continuous harassment.

9. Learned counsel submits that the entire prosecution case against the petitioners is based on interested statements of the relatives of the deceased, without any independent corroboration. No independent witness has supported the allegations, thereby rendering the prosecution case doubtful and the investigation one-sided. It is further submitted that the material on record would reveal that the deceased was having frequent disputes with her husband on account of suspicion and had herself engaged in quarrels, and even assaulted him on one occasion, which indicates that the present case is a result of matrimonial discord between the husband and wife, for which the petitioners have been falsely implicated.
10. Learned counsel emphatically submits that the essential ingredients of abetment, namely instigation, intentional aid, or active participation, are completely absent in the present case, and mere relationship with the husband cannot give rise to criminal liability under Section 108 of the BNS, 2023. In absence of any prima facie material, continuation of criminal proceedings against the petitioners amounts to abuse of the process of law. It is also contended that the learned Trial Court has failed to appreciate the settled legal position that at the stage of



consideration of discharge under Section 250 of the BNSS, 2023, the Court is required to examine whether the material on record, taken at its face value, discloses the essential ingredients of the alleged offence. In the present case, despite complete absence of such material, the application for discharge has been rejected in a mechanical manner without proper application of mind.

11. Learned counsel further submits that the impugned order dated 02.02.2026 rejecting the discharge application is cryptic and non-speaking, and does not deal with the specific contentions raised by the petitioners, particularly regarding their absence from the place of occurrence and lack of any overt act. It is lastly submitted that while framing charges vide order dated 05.02.2026, the learned Court below has failed to record any prima facie satisfaction regarding the existence of the essential ingredients of the offences alleged, and has proceeded in a routine and mechanical manner. It is further submitted that the present petitioners have already been enlarged on bail by this Hon'ble Court, and they have been cooperating with the investigation and trial proceedings. This fact further reflects that their custodial interrogation was not required and there is no material necessitating their continued prosecution.
12. Lastly, learned counsel submits that the allegations being general and omnibus in nature, and there being no material to connect the petitioners with the alleged offence, the continuation of the



proceedings pursuant to the impugned orders is nothing but an abuse of the process of law, warranting interference by this Hon'ble Court in exercise of its jurisdiction under Section 528 of the BNSS, 2023.

- 13.** On the other hand, learned counsel for the State submits that the material collected during the course of investigation, including the statements of the family members of the deceased, clearly discloses that the deceased was subjected to continuous harassment in her matrimonial home, which ultimately drove her to commit suicide. The role of the present petitioners has also surfaced during investigation, and their complicity cannot be ruled out at this stage. It is further submitted that at the stage of consideration of discharge and framing of charge, the Court is not required to conduct a meticulous appreciation of evidence or evaluate its probative value. If the material on record discloses a prima facie case, the Court is justified in proceeding against the accused. In the present case, the statements of the witnesses and surrounding circumstances prima facie indicate involvement of the petitioners, and therefore, the learned Trial Court has rightly rejected the application for discharge and framed charges against them.
- 14.** Learned State counsel also submits that the pleas taken by the petitioners, including their alleged absence from the place of occurrence and other factual defences, are matters of evidence



which can be examined only during trial. At this stage, such disputed questions of fact cannot be adjudicated in proceedings under Section 528 of the BNSS, 2023. Hence, no interference is warranted with the impugned orders.

15. We have heard learned counsel appearing for the parties and perused the documents annexed with the present petition.
16. From perusal of the charge-sheet, it transpires that the deceased, Varsha Kujur, committed suicide by hanging in her matrimonial home on 02.02.2025, and upon completion of merger proceedings, inquest, and post-mortem, the matter was investigated in detail by the concerned police authorities. During the course of investigation, statements of the parents, sister, brother, and other relatives of the deceased from her maternal side were recorded, and the spot of occurrence was duly inspected. The investigating agency, on the basis of such statements and other circumstantial material, formed an opinion that the deceased was subjected to harassment in her matrimonial home, which led her to take the extreme step. Consequently, apart from the husband, the present petitioners, namely the mother-in-law and sister-in-law, were also implicated, and after completion of investigation, Charge-sheet No. 358/2025 dated 16.09.2025 was filed against all the accused persons.
17. It further transpires that the accused persons, including the present petitioners, were granted anticipatory bail by the



competent courts and were thereafter formally arrested and released on bail upon furnishing the requisite bonds. The charge-sheet discloses that the allegations against the accused persons are founded upon the statements of the close relatives of the deceased and other materials collected during investigation, which, at this stage, prima facie indicate involvement of the accused persons in the commission of the alleged offence.

18. At this juncture, it is well settled that while exercising jurisdiction under Section 528 of the BNSS, 2023, this Court does not sit as a Court of appeal to re-appreciate the evidence collected during investigation or to adjudicate upon the veracity and reliability of the statements recorded by the investigating agency. The scope of interference at this stage is extremely limited. The Court is only required to examine whether, on a plain reading of the charge-sheet and the material accompanying it, the basic ingredients of the alleged offences are disclosed. A meticulous evaluation of evidence, appreciation of contradictions, or determination of the probative value of statements is impermissible at this stage. If the material, taken at its face value, gives rise to a strong suspicion regarding the involvement of the accused, the Court would be justified in allowing the prosecution to proceed.
19. It is equally settled that the defences sought to be raised by the accused, including pleas relating to absence from the place of occurrence, separate residence, or alleged falsity of the



accusations, are essentially disputed questions of fact which cannot be adjudicated in proceedings under Section 528 of the BNSS, 2023. Such issues necessarily require leading of evidence, cross-examination of witnesses, and a full-fledged trial. Premature evaluation of such defences at this stage would amount to stifling a legitimate prosecution and is, therefore, legally impermissible.

- 20.** In the present case, upon perusal of the charge-sheet and the statements of the witnesses, particularly the family members of the deceased, it emerges that specific allegations have been made regarding harassment in the matrimonial home, which is stated to have driven the deceased to commit suicide. The investigating agency, after due enquiry, has found sufficient material to array the present petitioners as accused persons. At this stage, it cannot be said that the allegations are so inherently improbable or absurd that no prudent person could reach a conclusion regarding the involvement of the petitioners.
- 21.** The learned Trial Court, while considering the application for discharge under Section 250 of the BNSS, 2023, has rightly confined itself to the material available on record and has come to the conclusion that a prima facie case exists against the petitioners. Similarly, at the stage of framing of charge, the Court is only required to record a satisfaction that there is ground for presuming that the accused has committed the offence, which is a much lower threshold than proof beyond reasonable doubt. The



orders impugned do not suffer from any jurisdictional error, perversity, or non-application of mind so as to warrant interference by this Court.

- 22.** In view of the aforesaid legal position and the material available on record, this Court is of the considered opinion that the present case does not fall within the exceptional categories warranting exercise of inherent powers for quashing of proceedings. Interference at this stage would amount to pre-empting a legitimate trial.
- 23.** Accordingly, finding no merit in the petition, the same is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice