



2026:CGHC:14880-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 793 of 2026

Mukul Pandey S/o Ashwani Pandey, Aged About 27 Years R/o 1 B Colony, Quarter No. 51, Bishrmapur, Police Station Bishrampur, District-Surajpur (C.G.)

... **Petitioner**

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station Bishrampur, District- Surajpur (C.G.)

2 - Vikesh Kumar Singh S/o Vishwananth Singh Aged About 33 Years R/o JMQ Colony, Ward No. 14, Pauvapara, Bishrampur, District-Surajpur (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Gyan Prakash Shukla, 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
01.04.2026

- 1** Heard Mr. Gyan Prakash Shukla, learned counsel for the petitioner. Also heard Mr. Sourabh Sahu, learned Panel Lawyer appearing for the State/respondent No.1.



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

“(i) It is therefore prayed, that this Hon'ble Court may kindly be pleased to allow this Petition and set-aside the impugned First Information Report dated 13/03/2025 registered in the police station Bishrampur, Surajpur, District Surajpur, C.G., F.I.R. no. 0063/2025, police station Bishrampur for offences under section 296, 115 (2), 351 (3) of the Bharatiya Nyaya Sanhita, 2023.

(ii) It is therefore prayed that, this Hon'ble Court may kindly be pleased to exercise its inherent jurisdiction under section 528 of the BNSS, and in exercise thereof call for the records & allow this CRMP and quash/set aside final report bearing number 230/2025 dated 14/12/2025 for offences under section 296, 115 (2), 351 (3), 117 (3), 109 (1), 238, 3 (5) of the Bharatiya Nyaya Sanhita prepared by Police Station Bishrampur, District Surajpur, C.G.

(iii) It is therefore prayed that, this Hon'ble Court may kindly be pleased to exercise its inherent jurisdiction under section 528 of the BNSS, and in exercise thereof call for the records & allow this CRMP and quash/set aside taking of cognizance by court below on 20/01/2026 by Second Additional Session Judge Surajpur, District Surajpur (C.G.) in criminal case against the petitioner bearing number criminal case, session



trial no. 13/2026 and entire criminal proceedings against the petitioner, in the interest of justice.”

- 3 Mr. Gyan Prakash Shukla, learned counsel for the petitioner, vehemently submits that the entire prosecution case is manifestly illegal, arbitrary and an abuse of the process of law. It is contended that the genesis of the case itself is doubtful, inasmuch as the alleged incident is stated to have occurred on 02.03.2025, whereas the First Information Report came to be lodged after an inordinate and unexplained delay on 13.03.2025. Such delay, in absence of any cogent explanation, casts a serious cloud over the veracity and authenticity of the prosecution story and indicates embellishment and afterthought.
- 4 Mr. Shukla further submits that even if the entire allegations contained in the F.I.R., final report and accompanying material are taken at their face value, no offence, much less the offences alleged, is made out against the present petitioner. It is specifically argued that as per the prosecution case itself, the petitioner was merely a pillion rider on the motorcycle and was not driving the vehicle at the relevant point of time. Therefore, the essential ingredient of control over the vehicle, which is sine qua non for attributing liability for causing injury by use of a vehicle, is completely absent in the present case. The actus reus, if any, can only be attributed to the driver of the motorcycle and not to a passive passenger having no control over the manner of driving.



- 5** It is further contended by Mr. Shukla that the implication of the petitioner is actuated by malice and personal animosity, and he has been falsely roped in only to give a wider net to the prosecution case. Learned counsel submits that the subsequent addition of serious penal provisions, including attempt to murder, is a clear instance of over-implication with a view to exaggerate the gravity of an otherwise minor incident. There is absolutely no material on record to demonstrate any intention or knowledge on the part of the petitioner to cause death or such bodily injury as is likely to result in death, which is a foundational requirement for invoking such a serious charge.
- 6** Mr. Shukla assails the investigation on the ground that the entire case is built upon an unidentified and untraced vehicle. It is submitted that despite completion of investigation and filing of the final report, the alleged offending motorcycle has neither been seized nor identified. Even the authorities from the Regional Transport Office have expressed inability to identify the vehicle in absence of registration particulars. The prosecution, therefore, seeks to rely solely upon the memorandum statement of a co-accused to connect the petitioner with the alleged vehicle, which is clearly inadmissible in evidence in view of the settled principles of law. In absence of the corpus delicti, the very foundation of the prosecution case stands vitiated. Lastly, it is submitted that the action of the investigating agency in issuing notice to the



petitioner to “produce” or “surrender” an unidentified vehicle is wholly illegal and reflects a complete misdirection in the investigation. The burden to establish the existence, identity and involvement of the vehicle lies squarely upon the prosecution, and the same cannot be shifted upon the accused. Such a presumptive and speculative investigation, coupled with lack of substantive evidence, renders the continuation of criminal proceedings against the petitioner an exercise in futility and abuse of the process of Court, warranting interference by this Court.

- 7 On the other hand, Mr. Sourabh Sahu, learned State counsel opposes the petition and supports the impugned action. It is submitted that the First Information Report, the material collected during investigation, and the final report clearly disclose the commission of cognizable offences, and at this stage, a meticulous examination of the evidence is neither warranted nor permissible. The learned counsel contends that the scope of interference under the inherent jurisdiction is extremely limited and is to be exercised sparingly, only in cases where no prima facie case is made out.
- 8 Mr. Sahu further submits that the role of the present petitioner cannot be brushed aside merely on the ground that he was a pillion rider. It is argued that the investigation has revealed that the petitioner was accompanying the co-accused at the time of the incident and had actively participated in the occurrence, and



therefore, his liability is to be adjudicated during the course of trial.

Whether the petitioner shared common intention or had knowledge of the act is a matter of evidence, which cannot be conclusively determined at the stage of quashing.

- 9 It is submitted by Mr. Sahu that the delay in lodging the F.I.R. is not fatal to the prosecution case, as the same has been sufficiently explained by the complainant, who was under trauma and undergoing treatment for the injuries sustained in the incident. The learned counsel contends that such delay, by itself, cannot be a ground to discard the prosecution version at the threshold, particularly when the allegations disclose a serious offence.
- 10 Mr. Sahu further argues that the non-seizure or non-identification of the vehicle at this stage does not demolish the prosecution case, as the same is a matter of investigation and evidence. It is contended that the statements of witnesses, including that of the complainant, as well as other material collected during investigation, prima facie establish the involvement of the accused persons, including the present petitioner. The evidentiary value and admissibility of such material are matters to be tested during trial.
- 11 Lastly, it is submitted by Mr. Sahu that the contentions raised by the petitioner pertain to disputed questions of fact, which cannot be adjudicated in proceedings invoking extraordinary jurisdiction. The learned counsel submits that the trial Court has rightly taken



cognizance upon perusal of the charge-sheet and accompanying material, and no illegality or perversity can be attributed to the same. Therefore, the present petition, being devoid of merit, deserves to be dismissed.

- 12** We have heard learned counsel appearing for the parties and perused the documents annexed with the present petition.
- 13** Perusal of the charge-sheet, it appears that the investigating agency, after conducting a detailed and structured investigation, has collected material which prima facie establishes the commission of cognizable offences and the involvement of the accused persons therein. The First Information Report lodged by the injured victim, namely Vikesh Kumar Singh, contains a vivid and specific account of the incident, wherein clear allegations have been levelled against the accused persons attributing distinct roles to them. The narration of the incident in the F.I.R. finds substantial support from the statements recorded during investigation under the relevant provisions of law, thereby lending credibility to the prosecution version at this stage.
- 14** It further transpires from the record that the injured victim was admitted to District Hospital, Surajpur, where he remained under treatment from 03.03.2025 to 08.03.2025. The medical documents, including the bed-head ticket, have been duly collected during investigation, and the opinion of the doctor indicating the serious nature of injuries has formed the basis for



addition of further penal provisions. The medical evidence, thus, prima facie corroborates the allegations made in the F.I.R. regarding the manner and gravity of the assault. The preparation of the spot map and other procedural steps undertaken during investigation also indicate that the investigating agency has attempted to gather all relevant evidence connected with the incident.

- 15** This Court also takes note of the fact that during investigation, the role of each accused has been examined, and statements have been recorded pointing towards their involvement. The allegation that the accused persons intentionally knocked down the victim using a motorcycle and thereafter assaulted him, including running over his leg, cannot be said to be inherently improbable or absurd on the face of the record. Whether the petitioner had an active role or whether his presence attracts vicarious liability are questions which necessarily involve appreciation of evidence and cannot be conclusively determined in proceedings of this nature.
- 16** So far as the contention of the petitioner regarding non-seizure or non-identification of the offending motorcycle is concerned, although the record indicates that efforts were made by the investigating agency to trace and seize the vehicle, including issuance of notice, search proceedings pursuant to warrant, and seeking information from the Regional Transport Office, the vehicle could not be recovered. However, such non-recovery of



the alleged weapon or vehicle used in the commission of offence is not, by itself, fatal to the prosecution case at this preliminary stage, particularly when there exists other material, including ocular and medical evidence, supporting the prosecution story. The evidentiary value and impact of such alleged deficiencies are matters to be tested during trial.

- 17** This Court is also conscious of the settled principle of law that while exercising jurisdiction to quash criminal proceedings, it is not permissible to embark upon a roving enquiry into the merits of the case or to weigh the sufficiency of evidence. The defence put forth by the petitioner, including allegations of false implication, animosity, or lack of specific role, raises disputed questions of fact which can only be adjudicated upon appreciation of evidence before the trial Court.
- 18** At this stage, if the material on record discloses a prima facie case, the proceedings ought not to be interdicted. In the considered opinion of this Court, the material collected during investigation, as reflected in the charge-sheet, cannot be said to be so deficient or lacking as to warrant exercise of inherent powers for quashing of proceedings.
- 19** The allegations, supported by medical and documentary evidence, do make out a case for trial, and it would not be appropriate for this Court to stifle the prosecution at its threshold.



20 Accordingly, in view of the aforesaid detailed discussion and settled legal principles, this Court finds no merit in the present petition. The same is, therefore, **dismissed**.

21 There shall be no order as to cost(s).

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu