



2026:CGHC:13613-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 813 of 2026**

Santosh Kumar Sharma S/o Shri Rajkumar Sharma Aged About 65 Years R/o Ward No 08, Shlok Vihar Sipat, Road Sarkanda, District-Bilaspur (C.G.)

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

1. State of Chhattisgarh Through- Station House Officer Police Station- Sarkanda District- Bilaspur (C.G.)
2. Xyz (Complainant) Nill

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Goutam Khetrapal, 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****23.03.2026**

1. Heard Mr. Goutam Khetrapal, learned counsel for the petitioner. Also heard Mr. Sourabh Sahu, learned Panel Lawyer, appearing for the State/respondent No. 1.



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

"1. Quash the FIR (Annexure P/1) bearing Crime No. 176 of 2026 registered at Police Station Sarkanda, District Bilaspur (C.G.) for the alleged offences punishable under Sections 296, 115(2), 351(3), 85 of the BNS, 2023 and Section 25 of the Arms Act, insofar as the present petitioner is concerned.

2. Quash all consequential proceedings arising out of the aforesaid FIR, including investigation, arrest, filing of charge-sheet and any further criminal action against the petitioner herein.

3. Pass any other appropriate order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice."

3. Learned counsel for the petitioner submits that the petitioner is a senior citizen and a retired employee who has lived a dignified, law-abiding, and respectable life. It is further submitted that the petitioner is the maternal uncle of the husband of respondent No. 2, namely Ankit Tiwari, and his relationship with the complainant is remote, as he is not a member of the immediate matrimonial household.

4. It is contended by the learned counsel for the petitioner that the marriage between respondent No. 2 and Ankit Tiwari was solemnized



on 05.02.2022 in accordance with Hindu rites and customs, and thereafter the couple resided at Park Life Colony, Sarkanda, whereas the petitioner has always been residing separately at Shlok Vihar, Sipat Road. It is further submitted that the disputes between respondent No. 2 and her husband were purely matrimonial in nature, arising out of alleged intoxication and quarrels, in which the petitioner had no role.

5. Learned counsel for the petitioner further submits that the alleged incident dated 23.01.2026 pertains solely to the husband, who is alleged to have assaulted respondent No. 2 under the influence of alcohol, and there is no allegation that the petitioner was present at the spot or involved in any manner. It is argued that the FIR dated 10.02.2026 registered at Police Station Sarkanda names only the husband as an accused, and no role has been attributed to the petitioner at the earliest point of time.

6. It is also contended by the learned counsel for the petitioner that the petitioner has been implicated subsequently on the basis of vague and omnibus allegations made during counselling proceedings, which are devoid of material particulars and amount to an improvement over the original version. He would submit that the petitioner is suffering from serious medical ailments and is under continuous treatment, and despite absence of specific allegations, the investigating agency is attempting to implicate him. He further submitted that the anticipatory bail application of the petitioner has already been rejected by the learned Additional Sessions Judge, Bilaspur, vide order dated



11.03.2026, without proper appreciation of the facts and circumstances of the case. It is also argued that subsequent addition of offences, including Section 85 of the BNS and Section 25 of the Arms Act, is unwarranted as no specific role or recovery has been attributed to the petitioner. Hence, this petition.

7. On the other hand, learned counsel for the State opposes the petition and submits that the investigation is at a nascent stage and material has been collected during the course of investigation, including statements recorded during counselling proceedings, which indicate the involvement of the petitioner. It is submitted that the allegations cannot be said to be inherently improbable at this stage and require thorough investigation. It is further contended that the petitioner's plea involves disputed questions of fact, which cannot be adjudicated in proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. We have considered the rival submissions and perused the material available on record, including the impugned FIR.

9. A perusal of the FIR reveals that it originates from a forwarding action by a police constable, pursuant to which the case diary of Crime No. 00/2026 registered at Police Station Kotwali, District Korba, under Sections 296, 115(2), and 351(3) of the Bharatiya Nyaya Sanhita was brought and registered. The FIR records that the alleged incident dated 23.01.2026 at about 10:00 p.m. took place at the matrimonial residence in Park Life Colony, Sarkanda, Bilaspur, wherein the husband, in an intoxicated condition, is alleged to have abused, threatened, and



assaulted the complainant using hands, fists, and an iron rod/pipe. The contents of the FIR primarily attribute the acts to the husband.

10. It is well settled that the power of the High Court to quash criminal proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Cr.P.C.) is extraordinary in nature and is to be exercised sparingly, with great caution, and only in cases where the allegations do not disclose any cognizable offence or where continuation of proceedings would amount to abuse of the process of law.

11. The principles governing the exercise of such jurisdiction have been laid down by the Hon'ble Supreme Court in a catena of decisions, including **State of Haryana v. Bhajan Lal, AIR 1992 SC 604; Rupan Deol Bajaj v. K.P.S. Gill, (1995) 6 SCC 194; Rajesh Bajaj v. State NCT of Delhi, (1999) 3 SCC 259; Medchl Chemicals & Pharma Pvt. Ltd. v. Biological E. Ltd., (2000) 3 SCC 269; State of Orissa v. Saroj Kumar Sahoo, (2005) 13 SCC 540; and Neharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315**, wherein it has been consistently held that at the stage of quashing, the Court should not embark upon an enquiry into the reliability or genuineness of the allegations or enter into disputed questions of fact.

12. In the present case, although the FIR initially attributes allegations primarily against the husband, the material collected during investigation, including subsequent statements, forms part of the case diary and cannot be completely ignored at this stage. Whether such



material is sufficient to establish the involvement of the petitioner is a matter that requires investigation and, if necessary, trial.

13. The submissions advanced on behalf of the petitioner, including his distant relationship, separate residence, medical condition, and absence of specific allegations in the FIR, are matters of defence which involve appreciation of evidence and cannot be conclusively adjudicated in proceedings under Section 528 of the BNSS.

14. It is also settled that subsequent statements recorded during investigation cannot be discarded at the threshold merely on the ground that they were not part of the initial FIR, particularly when the investigation is still in progress.

15. In the considered opinion of this Court, the allegations, when read in conjunction with the material collected during investigation, cannot be said to be so absurd or inherently improbable so as to warrant interference at this stage. The case does not fall within the parameters laid down for quashing of criminal proceedings.

16. Accordingly, no case is made out for exercise of inherent jurisdiction to quash the FIR or the consequential proceedings, and the petition is liable to be dismissed.

17. Consequently, the present petition stands **dismissed**. However, it is observed that the petitioner shall be at liberty to avail such remedies as are available to him in accordance with law. In case the petitioner apprehends his arrest, he is granted liberty to file an appropriate application for anticipatory bail before the competent Court, which shall



be considered on its own merits and in accordance with law, without being influenced by any observations made in the present order. It is further clarified that the observations made herein are only for the purpose of deciding the present petition and shall not prejudice the case of either party during the course of investigation or trial.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice