



2026:CGHC:14914-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 886 of 2026

1 - Rinkee Yadav W/o Rajesh Kumar Yadav, Aged About 30 Years, R/o Yadav Moholla, Azad Market Risali, Police Station - Neavi District- Durg (C.G.)

... **Petitioner**

versus

1 - State of Chhattisgarh Through- Station House Officer, Police Station Supela, Distt- Durg (C.G.)

2 - Vishal Kejriwal S/o Suresh Kejriwal, Aged About 38 Years, R/o 32/8, Nehru Nagar, West Supela Supela Police Station Supela, Distt- Durg (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner : Mr. Gagan Pandey, Advocate.

For State : Mr. S.S. Baghel, Govt. Advocate.

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. Gagan Pandey, learned counsel for the petitioners. Also heard Mr. S.S. Baghel, learned Govt. Advocate, appearing for the State.
2. The present petition has been filed by the petitioner with the

following prayer:-

- “(1) Quash FIR dated 09.05.2024 in Crime No. 551/2024 registered at Police Station Supela, Distt. Durg (C.G.), u/s s 420, 406, 34 of Indian Penal Code in relation to the present petitioner.
- (2) Pass any other order in view of the special facts and circumstances mentioned in the present petition, in the interest of justice.”

- 3.** The facts as mentioned in the petition, in brief, are that, one complaint was made by the complainant Vishal Kejariwal to the Police Station Supela, District Durg stating that he had rented 10 trucks to Mohammad Shahanawaj on 13.02.2023 through a written agreement, however, he failed to pay rent from December, 2023 to April 29, 2024. When the complainant demanded payment and asked about the vehicles, the Mohammad Shahanawaj claimed that all the trucks had been stolen and he would neither return the vehicles nor pay the rent. Thereafter, the FIR No.0551/2024 for offence under Section 420, 406, 34 of the IPC has been registered against five persons, Deepak Singh, Rajesh Yadu, Vinod Patel, Satyendra Singh and Mohammad Shahnawaj. After completion of the investigation charge sheet was filed against two accused persons, namely, Vinod Patel and Satyendra Kumar showing 09 accused persons absconding including the petitioner and her husband Rajesh Yadu.

4. Learned counsel for the petitioner submits that charge sheet has been filed against co-accused Sayendra Singh and Vinod Patel, so far as the petitioner and her husband is concerned no charge sheet has been filed against them. He would further submit that the petitioner is not named in the FIR and she has been arrayed as an accused by the police without any involvement in the instant matter on the allegation that she has transferred a sum into the accounts of co-accused Satyendra Singh and his wife Upma, though no documentary evidence has been produced by the investigating agency in this regard. Even in the memorandum statement of co-accused Satyendra Singh the name of petitioner does not appear and no bank account statement of Satyendra Singh or his wife Upma has been collected to reflect any transaction between the petitioner and the co-accused person. The bank statement of the petitioner also does not show any such transaction. Further, from perusal of the written complaint, FIR as well as 161 Cr.P.C.. statement of the complainant it is clear that the complainant and the petitioner never had any contact nor they knew each other. All the transactions occurred between the co-accused Mohammad Shanawaj and the complainant, about which the petitioner neither had any knowledge nor any involvement. It has been further argued that the petitioner is a law student enrolled in LL.M. course and aspires to appear in competitive examinations for judicial and other allied services. Continuation of the instant proceedings

arising out of Crime No.551/2024, if allowed, would create a serious impediment to the petitioner's future aspirations and cause irreparable harm to her career prospects.

5. Learned counsel appearing for the State opposes the submission made by learned counsel for the petitioner and submits that there is prima facie allegation against the petitioner in the FIR that there is huge money transaction between the co-accused persons who indulged in the act of deceiving the complainant and after obtaining their trucks on rent, they got the trucks disappeared. The petitioner and her husband were absconding, therefore, initial charge sheet had been filed showing them as absconding. During the investigation, there are sufficient material collected by police that huge money transaction was made in the bank account of the present petitioner and other co-accused persons. Therefore, there are sufficient evidence against the petitioner and the FIR cannot be quashed.
6. Learned counsel for the petitioner further submits that the petitioner has been granted anticipatory bail by the competent Court, hence, they cannot be said absconder.
7. We have heard learned counsel for the parties and perused the documents annexed with the petition.
8. In the matter of **M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra, 2021 SCC OnLine SC 315**, the Supreme Court in para 23 held as under :-

“23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or “no coercive steps to be adopted”, during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or “no coercive steps to be adopted” during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;*
- ii) Courts would not thwart any investigation into the cognizable offences;*
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;*
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty).*
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;*
- vi) Criminal proceedings ought not to be scuttled at the initial stage;*

vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;"

9. From perusal of the earlier charge sheet filed against the arrested co-accused persons, it transpires that from the bank account of the present petitioner and her husband, amount of about Rs.1 crore was transferred in the bank account of co-accused Satyendra and his wife Upma. From the bank account of the husband of the petitioner huge amount of cash was deposited from Nagpur on various dates. From the material appended with the earlier charge sheet a huge scam of cheating and misappropriation of the property is being disclosed in which there is prima facie material against the petitioner with respect to her involvement along with other co-accused persons. The manner in which the accused persons allegedly committed the offence and their active participation in the syndicate, and transfer of huge money in the bank account of the accused persons, the prima facie offence is disclosed which restricts this Court to interfere in the present petition.
10. The Hon'ble Supreme Court in the matter of **Neeharika**

Infrastructure (supra) has observed that has observed that the power of quashing should be exercised sparingly with circumspection in the rarest of rare cases. While examining an FIR/complaint, quashing of which is sought, the court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the FIR/complaint. The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be cautious. The Hon'ble Supreme Court has emphasised that though the court has the power to quash the FIR in suitable cases, the court, when it exercises power under Section 482 Cr.P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider the case on merit. In the present case, there is allegation of involvement of the petitioner in the offence in question and at this stage it cannot be said that no cognizable offence is made out against her. The defence taken by the petitioner are matter of evidence which can be examined only in the trial. Further, looking to the fact that the charge sheet has been filed against the petitioner as an absconder and the co-accused have already been chargesheeted, therefore, at this stage, we are not inclined to interfere in the matter. Accordingly, the present petition is **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice