



2026:CGHC:10342

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1183 of 2025**

Dinesh Sahu S/o Late S.R. Sahu Aged About 39 Years R/o 62/6-A, Maitri Nagar, Bhilai, District- Durg (C.G.)

... Petitioner**versus**

1 - Smt. Anju Sahu W/o Dinesh Sahu, D/o Ajeet Ram Sahu Aged About 38 Years R/o Sundar Nagar Kohka, Police Station- Supela Bhilai, District- Durg (C.G.)

2 - Jamaluddin S/o Jalaluddin, Aged About 40 Years R/o Takiyapara, Durg, Police Station- City Kotwali, District- Durg (C.G.), C/o Superintendent of Police, Durg, District- Durg (C.G.)

3 - Gupteshwar Nishad S/o Shatrudhn Lal Nishad Aged About 40 Years R/o Kokdi, Police Station- Utai, District- Durg (C.G.), C/o Superintendent of Police, Durg, District- Durg (C.G.)

4 - State of Chhattisgarh Through District Magistrate, Durg, District- Durg (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Jitendra Gupta, Advocate
For Respondent-State	:	Mr. Ritika Dubey, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****27.02.2026**

1. Heard Mr. Jitendra Gupta, learned counsel for the petitioners as well as Ms. Ritika Dubey, learned Panel Lawyer, appearing for the State/respondent No.4.



2. By filing the present petition, the petitioner has assailed the order dated 05.09.2024 passed by the learned Revisional Court, arising out of the order dated 05.12.2023 passed by the learned Trial Court, whereby the application preferred by the petitioner seeking registration of the case under the aforementioned sections of offences against respondent Nos. 1 to 3 has been rejected, and has prayed for quashment of the said impugned orders and for a direction to the learned Trial Court to register the case, in the interest of justice.
3. Brief facts of the case are that the petitioner filed an application under Section 156(3) of the Code of Criminal Procedure, 1973 (for short, 'CrPC') before the learned Judicial Magistrate First Class, Durg, District Durg (C.G.), stating that he is working as a journalist in a local daily newspaper and that respondent No.1, his legally wedded wife, solemnized marriage with him on 06.05.2018 at Sundar Nagar, Kohka, Bhilai, is residing separately at her parental home. It is alleged that after marriage respondent No.1 used to harass the petitioner and his family members over trivial issues and, on 27.02.2021, left the matrimonial home threatening to falsely implicate him and his family in criminal cases. Thereafter, on 13.09.2021 at about 3:00 PM, respondent No.1 allegedly broke open the lock and forcibly entered the petitioner's house, and despite his complaint to the concerned Police Station, no FIR was registered. It is further alleged that in the intervening night of 13/14.09.2021 at about 3:30 AM, respondent No.1 called Dial 112 and came along with respondent Nos.2 and 3, who are police personnel allegedly known to her, and forcibly entered the petitioner's house situated at 62/6-A, Maitri Nagar, Risali, Bhilai; respondent Nos.2 and 3 allegedly assaulted the petitioner, causing



grievous injury to his left eye, and respondent No.1, in collusion with them, attacked him with a rod on his head, causing serious injuries, and while leaving, respondent No.2 allegedly extended threats. It is further the case of the petitioner that he thereafter started residing at his sister Dr. Suman Sahu's house and submitted complaints to the Police Station as well as to the Superintendent of Police, Durg, but no action was taken, compelling him to file an application under Section 156(3) CrPC seeking registration of offences under Sections 294, 506, 323, 324, 325, 307, 452 and 34 of the Indian Penal Code along with supporting documents; however, the learned Trial Court, after recording preliminary evidence in MJC Criminal/15030/2022, dismissed the application by order dated 05.12.2023 holding that the material on record was insufficient for directing registration of the case, and the revision petition preferred thereagainst, being Criminal Revision No.45/2024, was also dismissed by the learned Revisional Court affirming the said order, hence the present petition.

4. Learned counsel for the petitioner submits that the impugned orders passed by the learned Trial Court as well as the learned Revisional Court are wholly illegal, arbitrary and contrary to the settled principles governing exercise of jurisdiction under Section 156(3) of the Code of Criminal Procedure. It is contended that both the Courts below have failed to appreciate that the complaint of the petitioner clearly discloses commission of cognizable offences and was duly supported by medical documents, photographs of injuries and contemporaneous complaints made to the Police Station and the Superintendent of Police. The finding recorded by the learned Trial Court that no sufficient material or medical evidence was produced is factually



incorrect, inasmuch as the MLC dated 14.09.2021 as well as subsequent medical papers dated 16.09.2021 were placed on record, but have not been properly considered. It is further submitted that the Courts below erred in ignoring the fact that two distinct incidents occurred; first on 13.09.2021 at about 3:00 PM and second during the intervening night of 13/14.09.2021 between 3:00 AM to 5:00 AM; and misread the complaint by treating it as inconsistent, thereby resulting in grave miscarriage of justice.

5. It is further submitted that the preliminary evidence, including photographs of the injured petitioner and supporting medical records, has not been discussed at all in the impugned orders. The learned counsel contends that the Family Court proceedings between the petitioner and respondent No.1, including the application under Section 125 CrPC and related order-sheets, were also placed on record to demonstrate the background of animosity, yet the same have been completely overlooked. It is argued that the petitioner, being a layperson and not a legal expert, may not have drafted the complaint with technical precision, but the substance of the allegations clearly makes out cognizable offences warranting registration of an FIR. The mechanical approach adopted by the Courts below in dismissing the application without proper analysis of the material amounts to failure to exercise jurisdiction vested in them.
6. Learned counsel also submits that the petitioner is suffering from a serious medical condition, namely Cerebral Venous Thrombosis (CVT), and the assault allegedly committed during the intervening night of 13/14.09.2021 aggravated his pre-existing condition, a



relevant fact supported by medical documents which has not been adverted to by the Courts below. It is contended that respondent Nos.2 and 3 being police personnel, no effective action was taken by the local police authorities, thereby compelling the petitioner to approach the Court under Section 156(3) CrPC. In these circumstances, it is submitted that the impugned orders suffer from legal and factual infirmities and are liable to be quashed.

7. On the other hand, learned State counsel vehemently opposes the petition and supports the impugned orders passed by the learned Trial Court as well as the learned Revisional Court. It is submitted that both the Courts below have passed well-reasoned and speaking orders after considering the material placed on record and no interference is warranted in exercise of extraordinary jurisdiction. It is contended that the application preferred under Section 156(3) CrPC did not disclose ingredients of the alleged offences in a manner so as to mandatorily require direction for registration of FIR, and the learned Magistrate was well within his jurisdiction to decline such prayer upon evaluation of the preliminary material and inquiry report.
8. Learned State counsel further submits that the allegations levelled by the petitioner are omnibus, exaggerated and arise out of matrimonial discord between the petitioner and respondent No.1. It is argued that the preliminary inquiry conducted by the concerned Police Station, along with statements of witnesses, did not substantiate the allegations of grievous assault or attempt to murder as alleged. The Courts below have rightly observed that the medical documents placed on record do not conclusively connect the alleged injuries with



the incidents in question and there were inconsistencies regarding dates and timing of the alleged occurrences, which created doubt about the veracity of the allegations.

9. It is also submitted that the power under Section 156(3) CrPC is discretionary and not to be exercised mechanically, and when the Magistrate, after considering the complaint, documents and preliminary evidence, formed an opinion that no case for directing registration of FIR is made out, such finding, having been affirmed by the Revisional Court, does not call for interference. Therefore, the present petition, being devoid of merit, deserves to be dismissed.
10. I have heard learned counsel for the parties at length and have perused the record with utmost circumspection.
11. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') invoking the inherent jurisdiction of this Court for quashment of the orders dated 05.12.2023 passed by the learned Judicial Magistrate First Class, Durg in MJC Criminal/15030/2022 and the order dated 05.09.2024 passed in Criminal Revision No. 45/2024, whereby the application preferred by the petitioner under Section 156(3) CrPC seeking direction for registration of FIR against respondent Nos.1 to 3 has been rejected and the said rejection has been affirmed in revision.
12. At the outset, it is apposite to observe that the inherent jurisdiction under Section 528 of the BNSS is to be exercised sparingly, with circumspection, and only to prevent abuse of the process of Court or to secure the ends of justice. Such extraordinary jurisdiction is not meant to substitute a statutory remedy nor to re-appreciate factual



findings concurrently recorded by two Courts below, unless the impugned orders suffer from patent illegality, perversity or jurisdictional error.

- 13.** Upon careful examination of the impugned orders, this Court finds that the learned Trial Court, after considering the application under Section 156(3) CrPC, the preliminary evidence adduced by the petitioner, the medical documents and the inquiry report, recorded a categorical finding that the material placed on record did not warrant issuance of direction for registration of FIR. The learned Revisional Court, on independent re-appreciation of the record, concurred with the findings of the learned Magistrate and dismissed the revision petition. The findings so recorded are findings of fact based on appreciation of material available on record and cannot be termed as perverse or manifestly illegal.
- 14.** It is well settled that mere allegation of commission of cognizable offence does not ipso facto compel the Magistrate to direct registration of FIR under Section 156(3) CrPC. The Magistrate is required to apply judicial mind to the facts and circumstances of the case. In the present case, both the Courts below have assigned reasons while rejecting the application. This Court does not find that such exercise suffers from non-application of mind or that relevant material has been completely ignored so as to shock the conscience of this Court.
- 15.** The dispute between the petitioner and respondent No.1 admittedly arises in the backdrop of matrimonial discord. The petitioner has remedies available in accordance with law, including institution of a complaint case under Chapter XV of the Code, if so advised.



However, the inherent powers of this Court cannot be invoked to direct registration of FIR in a mechanical manner when the competent Courts have, upon due consideration, declined such relief.

16. This Court is of the considered view that no case of miscarriage of justice, abuse of process of Court or failure of justice is made out warranting interference under Section 528 of the BNSS. The petitioner has failed to demonstrate any patent illegality, perversity or jurisdictional error in the impugned orders.
17. Accordingly, the instant petition being devoid of merit is hereby **dismissed**. No order as to costs.

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal