



2026:CGHC:17783-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 874 of 2026

1 - Harishchand Tarak S/o Shri Sougandh Ram Tarak, Aged About 45 Years R/o Sunderkera, P.S. Gobra Nawapara, Tahsil Abhanpur, District- Raipur (C.G.)

2 - Kumar Sahu S/o Shri Chandrika Sahu, Aged About 40 Years R/o Sunderkera, P.S. Gobra Nawapara, Tahsil Abhanpur, District- Raipur (C.G.)

... **Petitioner(s)**

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station Gobra Nawapara, Raipur, District- Raipur Chhattisgarh

2 - Chief Executive Officer, Janpad Panchayat Abhanpur District- Raipur Chhattisgarh

... **Respondent(s)**

For Petitioner(s) : Mr. Ravipal Maheshwari, Advocate.

For Respondent-State : Ms. Anusha Naik, Dy. Govt. Advocate.

For Respondent No.2 : Mr. Ghanshyam Patel, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

20/04/2026

1. Heard Mr. Ravipal Maheshwari, learned counsel for the petitioners. Also heard Ms. Anusha Naik, learned counsel for the



Respondent-State, Mr. Ghanshyam Patel, learned counsel for the
Respondent No.2.

2. The petitioners have filed the present petition with the following
prayer:

"1. That, Hon'ble Court may kindly be pleased to allow the instant petition under section 528 of B.N.S.S. 2023 filed by the petitioners, in the interest of justice.

2. That, Hon'ble Court may kindly be pleased to quash the impugned FIR bearing No. 388/2019 registered on dated 13.09.2019 at police station Gobra Nawapara Raipur, District Raipur Chhattisgarh filed under section 466, 467, 468, 34 of Indian Penal Code and final report filed 25.08.2020 in respect of the case of the petitioners, in the interest of justice.

3. That, Hon'ble Court may kindly be pleased to quash entire charge sheet dated 25.08.2020 before learned Judicial Magistrate First Class Raipur District Raipur Chhattisgarh under section 466, 467, 468, 34 of Indian Penal Code against the petitioners in the interest of justice.

4. That, Hon'ble Court may kindly be pleased to quash impugned proceeding against the petitioners (Annexure P-1) in Criminal Case No. 637/2020 against the petitioners, in the interest of justice.

5. That, the Hon'ble Court may kindly grant any other reliefs in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, in the interest of justice."



3. Brief facts of the case are that on the basis of a written report submitted by the Chief Executive Officer, Janpad Panchayat Abhanpur, alleging offences under Sections 466, 467, 468 and 34 of the Indian Penal Code. The prosecution case pertains to alleged irregularities in execution of excavation work of Maa Karma Pond under the Mahatma Gandhi National Rural Employment Guarantee Scheme in Gram Panchayat Sunderkera between 06.04.2016 to 19.04.2016, wherein it is alleged that forged muster rolls were prepared in furtherance of common intention by the Sarpanch, other officials and the present petitioners. During investigation, various documents including muster rolls and records were seized and statements of witnesses were recorded, and upon completion of investigation, charge-sheet was filed on 30.01.2020 before the learned Judicial Magistrate First Class, Raipur, which has culminated into Criminal Case No. 637/2020. The petitioners are challenging the entire criminal proceedings initiated on the basis of the said report and charge-sheet.

4. Learned counsel for the petitioners submits that the present petitioners have been falsely roped in the present criminal case without there being any specific, cogent or legally admissible material to connect them with the alleged offences under Sections 466, 467, 468 read with Section 34 of the Indian Penal Code. The petitioners were admittedly working in the capacity of "mates" under the MNREGA scheme, whose limited role was confined only to marking attendance of labourers who were actually present and performing work at the site. They had no authority whatsoever in relation to sanction, disbursement,



handling or control of any public funds, nor did they derive any pecuniary advantage or wrongful gain from the execution of the said works. The entire foundation of the allegations is based on a misconceived assumption that attendance was marked without work being performed, whereas in fact the labourers concerned had duly performed work and received wages directly into their bank accounts. Thus, even if the entire allegations as made in the FIR are taken at their face value, the essential ingredients of forgery, fabrication of records or criminal conspiracy are completely absent against the petitioners, rendering the initiation and continuation of criminal proceedings wholly unjustified, arbitrary and an abuse of the process of law.

5. Learned counsel further submits that the investigation in the present case had already been concluded long back in the year 2020, however, no charge has been framed till date, which itself clearly indicates that there is no sufficient material available against the petitioners warranting their prosecution. The FIR is based merely on presumptions and vague allegations, without any supporting documentary or oral evidence attributing any specific overt act to the petitioners. Furthermore, the FIR and criminal proceedings against Radheshyam Sahu, a similarly situated co-accused person, have already been quashed by order dated 03.12.2025 passed in CRMP No. 494 of 2020 by this Court in connected proceedings arising out of identical allegations. This further reinforces the fact that the prosecution story is inherently weak and unsustainable in law. The petitioners have been unnecessarily dragged into criminal litigation despite the absence



of any mens rea, wrongful intent, or involvement in any misappropriation or forgery. In these circumstances, continuation of the impugned FIR and consequential proceedings would amount to a gross abuse of the process of law and would result in a serious miscarriage of justice. Therefore, the same deserves to be quashed in the interest of justice.

6. Learned counsel appearing for the State submits that the present petition is devoid of merit and deserves to be dismissed as the FIR discloses a prima facie cognizable offence involving serious allegations of manipulation and falsification of official records in the MNREGA scheme under Sections 466, 467, 468 read with Section 34 of the Indian Penal Code. The investigation has revealed sufficient material indicating that the petitioners, while functioning as “mates”, were entrusted with the duty of marking attendance of labourers and that irregular and false entries were made in official records, thereby facilitating wrongful processing of wages from public funds. The contention of the petitioners that they had no role in misappropriation or that no loss was caused is a matter of evidence to be tested during trial and cannot be a ground for quashing the proceedings at the threshold. The investigation has been conducted in accordance with law, and mere delay in framing of charge or alleged acquittal of some co-accused in separate proceedings does not ipso facto exonerate the petitioners, particularly when their individual role is under scrutiny. The FIR and charge-sheet, when read as a whole, clearly disclose involvement of the petitioners in commission of offences and raise triable issues which cannot be adjudicated in writ/quashing jurisdiction. Accordingly, no case



is made out for interference and the petition is liable to be dismissed.

7. Learned counsel for the Respondent No.2 submits that the present petition is misconceived and is liable to be dismissed inasmuch as the allegations levelled against the petitioners are supported by material collected during investigation, which prima facie indicates their involvement in preparation and manipulation of official records pertaining to MNREGA works. The petitioners, being entrusted with the duty of recording attendance of labourers as “mates”, are stated to have made incorrect and forged entries, thereby facilitating irregular processing of wage payments from public funds. The attempt of the petitioners to project their role as purely ministerial and to deny any involvement in the alleged irregularities raises disputed questions of fact which cannot be adjudicated in proceedings under Section 482 Cr.P.C., as the same require thorough appreciation of evidence during trial. It is further submitted that at this stage, the Court is only required to ascertain the existence of a prima facie case, and not to examine the sufficiency or reliability of the evidence collected. Since the material on record discloses a triable case involving allegations affecting public funds under a welfare scheme, interference at this stage would be unwarranted, and accordingly, the petition deserves to be dismissed.

8. We have heard learned counsel for the parties and perused the documents appended with this petition.

9. The Hon’ble Supreme Court in the matter of **State of Haryana and Others v. Bhajan Lal and Others, 1992 (1) SCC 335** laid down



the principles of law relating to the exercise of extraordinary power under Article 226 of the Constitution of India to quash the first information report and it has been held that such power can be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice. In paragraph 102 of the report, their Lordships laid down the broad principles where such power under Article 226 of the Constitution/Section 482 of the CrPC should be exercised, which are as under: -

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1)Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2)Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an



investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or absurd and inherently complaint are so improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding



should be exercised very sparingly and with circumspection and that too in the rarest of rarecases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."

10. The principles laid down in **Bhajan Lal** (supra), clearly authorize this Court to exercise its extraordinary powers under Article 226 of the Constitution to quash criminal proceedings which are maliciously instituted, vexatious, or prima facie frivolous, particularly where the proceedings are used as a tool for harassment rather than to serve justice.

11. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that even if the allegations made in the FIR and the material collected during investigation are taken at their face value, the same do not prima facie disclose the essential ingredients of offences under Sections 466, 467, 468 read with Section 34 of the Indian Penal Code against the present petitioners. The role attributed to the petitioners is limited to marking attendance as "mates" under the MNREGA scheme, and there is no specific, cogent or legally admissible material to indicate their involvement in forgery, fabrication of records or any criminal conspiracy, nor is there any allegation of wrongful gain or mens rea attributable to them. The allegations are general and omnibus in nature without attribution of any specific overt act, and the prosecution case appears to



rest on presumptions rather than substantive evidence. Furthermore, the FIR and criminal proceedings against Radheshyam Sahu, a similarly situated co-accused person, have already been quashed by order dated 03.12.2025 passed by this Court in CRMP No. 494 of 2020 in connected proceedings arising out of identical allegations. In view of the aforesaid factual and legal position, continuation of the criminal proceedings against the petitioners would amount to abuse of the process of law and would not serve the ends of justice, accordingly, the petition deserves to be allowed.

12. Accordingly, the petition is allowed and the impugned FIR bearing No. 388/2019 dated 13.09.2019 registered at Police Station Gobra Nawapara, District Raipur (C.G.), the charge-sheet dated 25.08.2020 and all consequential proceedings including Criminal Case No. 637/2020 pending before the learned Judicial Magistrate First Class, Raipur are hereby quashed insofar as they relate to the present petitioners.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Alok