



2026:CGHC:15258-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 921 of 2026

1 - Ashim Mukherjee S/o Alok Mukherjee Aged About 38 Years R/o House Number 33/147 Behind Old Abhiram Sharma Hospital Mannu Chowk Tikrapara Bilaspur District Bilaspur Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Superintendent Of Police Bilaspur, Chhattisgarh

2 - State Of Chhattisgarh Through Station House Officer, Police Station Chakarbhata, District Bilaspur, Chhattisgarh

3 - Abc (Details Of The Prosecutrix Have Been Enclosed In Closed Envelope)

... Respondent(s)

For Petitioner(s) : Mr. Arjit Tiwari, Advocate

For Respondent(s) : Mr. Shailendra Sharma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

02.04.2026

1. Heard Mr. T. K. Jha, learned counsel for the petitioner as well as Mr. Sourabh Sahu, Panel Lawyer, appearing for the State/ respondent.
2. The petitioner has filed the present CrMP under Section 528 of B.N.S.S. 2023, and prayed for the following reliefs:-

“I. That this Hon'ble court may kindly be pleased to direct the respondent authorities to produce the entire record pertaining to the case of petitioner

ii. That, the Hon'ble Court may kindly be pleased to quash the First Information Report dated 30.01.2026 registered at Police Station Chakarbhata, District Bilaspur, vide Crime No. 59/2026, for the alleged commission of offence under Section 74 of the Bhartiya Nyaya Sanhita, 2023 as well as Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and the consequential proceedings arising out of the impugned First Information report

iii. That this Hon'ble court may further be pleased to pass anyother order in favor of petitioner as it may deem fit and proper under the facts and circumstances of the case with cost.”

3. Learned counsel for the petitioner would submit that the complainant is a minor student, aged about 17 years, studying B.Tech (CSE) at Chouksey Group of Colleges, had appeared in

her examination on 29.01.2026 at LCIT Examination Centre, Bilaspur, and was allotted Room No. T-2 for the said examination. It is alleged that during the course of the examination, at about 11:30 AM, the petitioner, who was discharging duties as an invigilator, approached the complainant and, under the pretext of checking or supervision, allegedly touched her private body parts. The complainant has asserted that despite there being sufficient distance between her and her answer sheet, the petitioner intentionally made physical contact with her private body parts and that such act was not accidental but deliberate in nature and on the basis of the aforesaid incident, the complainant has registered the impugned FIR on 30.01.2026, against which the present petition has been filed by the petitioner. There was no act as alleged, has been committed by the petitioner. The petitioner has caught another student for unfair means (UFM) and the complainant is related with him. Therefore, she lodged the complaint only to create pressure upon him. Therefore, the impugned FIR may be quashed.

4. It is submitted on behalf of the State that the impugned FIR discloses a cognizable offence under Section 74 of the Bharatiya Nyaya Sanhita and Section 8 of the POCSO Act, committed by the petitioner, an adult invigilator in a position of authority over a minor victim aged 17 years, who has categorically alleged deliberate and intentional physical contact with her private body parts under the pretext of supervision during a crowded

examination which prima facie satisfies the essential ingredients of sexual assault involving skin-to-skin contact with sexual intent, as defined under the POCSO Act; the complainant's prompt registration of FIR on 30.01.2026, mere hours after the incident, lends credibility to her uncorroborated yet specific and consistent account, especially in the vulnerable context of an examination hall where immediate protest might deter a minor student fearing academic repercussions or further harassment. The bald reliance on CCTV footage by the petitioner is premature and self-serving at this quashment stage, as investigation under BNSS mandates a thorough probe including forensic analysis of footage.

5. It is also submitted that it is a settled principle that where the FIR disclose ingredients of the alleged offences, criminal proceedings should not be scuttled at the threshold, that once the FIR has been registered, it has to be investigated and taken to its logical end. After investigation charge-sheet has been filed. Thus, at this stage, no interference is warranted in view of the judgment of the Apex Court passed in Criminal Appeal No. 330 of 2021 (**M/s Neeharika Infrastructure Pvt. Ltd. Vs. The State of Maharashtra & others**) and therefore, the present petition is liable to be dismissed.
6. We have heard learned counsel for the parties and perused the impugned FIR and document annexed with the petition.

7. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if 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, the FIR or the charge-sheet may be quashed in exercise of powers under Article 226 or inherent powers under Section 528 of BNSS/482 of the Cr.P.C.
8. In **Neeharika Infrastructure Pvt. Ltd.** (supra), the Apex Court has observed that the power of quashing should be exercised sparingly with circumspection in the rarest of rare cases. While examining an F.I.R./complaint, quashing of which is sought, the Court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the F.I.R./complaint. The power under Section 528 of BNSS/482 Cr.P.C. is very wide, but conferment of wide power requires the Court to be cautious. The Apex Court has emphasized that though the Court has the power to quash the F.I.R. in suitable cases, the Court, when it exercises power under Section 528 of BNSS/482 Cr.P.C., only has to consider whether or not the allegations of F.I.R. disclose the commission of a cognizable offence and is not required to consider the case on merit.

9. The perusal of the contents of the First Information Report and the accompanying material indicates that the allegations against the petitioner are specific and based on a stated incident. The complainant, a minor aged about 17 years and a student pursuing B. Tech (CSE), has alleged that on 29.01.2026, while appearing in the examination at LCIT Examination Centre, Bilaspur, at about 11:30 AM, the petitioner, who was discharging his duties as an invigilator, approached her on the pretext of checking and supervision, and despite there being no necessity for close physical proximity, the petitioner intentionally and deliberately touched her private body parts. On the basis of the said incident, the FIR was lodged on 30.01.2026, which is under investigation. From the factual narration in the complaint, it prima facie emerges that the petitioner, being in a position of authority and trust as an invigilator in an examination hall, is alleged to have misused such position while interacting with a minor student. The defence taken by the petitioner that the complaint is false and has been lodged due to prior action taken by him against another student for use of unfair means, and the alleged connection of the complainant with such student, involves disputed questions of fact. The authenticity of CCTV footage and other evidences are to be considered by the police authority after its due process of investigation.
10. After having gone through the allegations made in the impugned FIR, in the considered opinion of this Court that it cannot be said that no offence whatsoever is prima facie disclosed against the

petitioner as there is allegation of outraging the modesty of the complainant and in the light of judgment passed by the Apex Court in ***Neeharika Infrastructure Pvt. Ltd.*** (supra), we do not find any good ground for interference in the present petition.

11. Accordingly, the instant petition is **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

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