

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1027 of 2026**

1 - Paltan Verma S/o Bharat Verma Aged About 65 Years R/o Village- Gadadih, PS And Tehsil Khairagarh, District-Khairagarh-Chhuikhadan-Gandai, Chhattisgarh.

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Superintendent Of Police, Khairagarh, District- Khairagarh-Chhuikhadan-Gandai, Chhattisgarh.

2 - The Station House Officer Police Station Khairagarh, District-Khairagarh-Chhuikhadan-Gandai, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Siddharth Pandey, Adv.
For State	:	Mr. Anish Tiwari, Dy. G.A.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****13/04/2026**

1. This petition has been preferred by the petitioner under Section 528 of BNSS, 2023, seeking for the issuance of an appropriate direction to respondent authorities to consider and decide the objection dated 11.03.2026 (Annexure – P/2) filed by the petitioner and further to conduct a fair and propr investigation in the matter.



2. Brief facts of the case were that, on 08.03.2026, deceased Tularam Patel, a building contractor, went to the village Gadadih to drop off one Pardeshnin Bai on his motorcycle at about 10:40 pm. The accused persons namely, Kirtan Yadav, Samay Yadav, Ashish Yadav, Paltan Verma (petitioner) Rooplal Verma, Pawan Verma, Ramchand Verma and Lokesh Yadav and other associates, acting in furtherance of their common intention, wrongfully restrained the deceased and assaulted him using hands, fists, legs, sticks and sleepers on the pretext that his visits were adversely affecting the village environment. Due to the said assault, the deceased sustained grievous injuries to his head. He was immediately taken to the hospital, where he was declared dead by the doctor. Based on this, FIR bearing Crime No. 107/2026 was registered at Police Station Khairagarh, District – Khairagarh-Chhuikhadan-Gandai for the alleged offence against the accused persons.
3. Learned counsel for the petitioner/accused submits that on 11.03.2026, an objection application was filed by the petitioner's son before respondent No. 1 (Superintendent of Police), submitting that his father has been falsely implicated in the present case without any lawful basis. On the date of the incident i.e. 08.03.2026, the present petitioner had merely gone near the house of Pardeshnin Bai after hearing about a commotion in the village and was present there as a bystander along with other villagers. It was further submitted that neither the deponent nor his father witnessed any assault, and in fact, upon suggestions of the village Kotwar, they informed the police by dialling 112 and thereafter they returned home. He further submits that the present petitioner has no role, participation or prior knowledge of the alleged incident, and there exists no



enmity or motive against the deceased. Despite this, he has been falsely implicated as an accused without any cogent evidence or proper investigation and prayed for the deletion of the name of the present petitioner from the aforesaid FIR (copy of the application dated 11.03.2026 is annexed herein as (Annexure-P/2). He placed reliance on the decision of Hon'ble Supreme Court in the matter of **Babubhai vs. State of Gujarat, (2010) 12 SCC 254** and submits that fair investigation is a constitutional mandate and the procedure must be just, fair and reasonable, and not arbitrary, thereby making fair investigation an integral part of Article 21 of the Constitution of India. Therefore, he prayed to direct the respondent authorities to consider and decide the objection dated 11.03.2026 (Annexure-P/2) filed on behalf of the petitioner and further pleaded to direct the respondents to conduct a fair and proper investigation in the matter, in the interest of justice.

4. Learned counsel for the State opposes the arguments advanced on behalf of the learned counsel for the petitioner and submits that since there is no obligation to dispose of such an application during the course of the investigation, issuing such a direction would be neither necessary nor appropriate.
5. I have heard learned counsel for the parties and perused the documents annexed with the petition.
6. Looking to the prayer sought by the counsel for the petitioner, it appears that the petitioner prays to direct the respondents to consider and decide the objection dated 11.03.2026 filed on behalf of the petitioner and further directs the respondents to conduct a fair and proper investigation in the matter.



2026:CGHC:16843

7. Section 528 (corresponding to Section 482 of the CrPC) is engrafted to allow the High Court to intervene in cases where there is a clear abuse of process or where it is necessary to prevent injustice. Looking to the facts and circumstances of the case, in the case in hand, I am not inclined to use inherent power under Section 528 of BNSS.
8. Accordingly, in view of the above, the petition is **dismissed** at motion stage itself.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu