

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 980 of 2026****Ramupkar Tiwari *Versus* State Of Chhattisgarh****CRMP/1109/2026****Order Sheet**

23.04.2026	Learned counsel for the parties submits that both these matters are arising out of same Crime No. i.e. 152/2026. Hence both these petitions are being linked and heard together. Heard Mr. Lukesh Kumar Mishra, learned counsel for the petitioners. Also heard Mr. Nitansh Jaiswal, learned Deputy Government Advocate for respondent No.1 / State. Learned counsel for the petitioners submits that the impugned order directing registration of FIR and the consequent FIR, insofar as it relates to the present petitioners, is ex facie illegal, arbitrary, and amounts to

	a gross abuse of the process of law, and is therefore liable to be quashed. It is contended that the learned court below has not issued any specific direction for registration of FIR against the present petitioners, and thus, the registration of FIR against them is in clear violation of the judicial order, rendering the same unsustainable in law. It is further submitted that the petitioners are bona fide purchasers of the subject property, having acquired the same after conducting due diligence, including verification of title and encumbrances, and having paid the entire sale consideration at prevailing market value through legitimate banking channels to the ostensible owner whose name was duly reflected in the revenue records. It is argued that the essential ingredients of the offence of cheating are wholly absent, inasmuch as there is no allegation of any inducement, fraudulent representation, or dishonest intention attributable to the petitioners at any stage, nor has any property been delivered in consequence of any such inducement by
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	them. The petitioners have neither derived any wrongful gain nor caused any wrongful loss to any person. It is further urged that the complainant/respondent No. 2 has deliberately suppressed material facts from the court below, including the fact that on an earlier complaint, an enquiry was conducted by the Police Station Jamul under the directions of the Superintendent of Police, Durg, wherein the dispute was found to be purely civil in nature. Additionally, the complainant has also concealed that he had already instituted a civil suit on the same subject matter, which is pending adjudication between the parties, wherein pleadings and counter-claims have been duly filed. It is thus submitted that the present criminal proceedings have been maliciously initiated by giving a colour of criminality to a purely civil dispute with an oblique motive to pressurize the petitioners into an unjust settlement. Even if the allegations in the FIR are taken at their face value and accepted in entirety, no cognizable offence is made out against the petitioners.
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In such circumstances, allowing the criminal proceedings to continue would result in grave miscarriage of justice and constitute an abuse of the process of the Court. The petitioners, therefore, pray that the impugned FIR and all consequential proceedings against them be quashed in the interest of justice.

In view of the above, issue notice to the respondent No.2 by ordinary post as well as registered post.

Learned State counsel appears and accepts notice on behalf of respondent No.1, therefore, issuance of notice to it, is dispensed with.

Process Fee be paid within a week only for respondent No.2.

Notice be made returnable in four weeks.

Two weeks' time is granted to the learned State counsel as well as respondent No.2 to file their reply-affidavit and thereafter, two weeks' time is granted to the learned counsel for the petitioner to file rejoinder

affidavit.

List the matter thereafter.

Till then, arrest of the petitioners namely, **Ramupkar Tiwari, Smt. Neelam Tiwari** and **Mr. Johan Lal Yadav** in FIR bearing Crime No. 152/2026 dated 23.03.2026, registered by P.S. Kotwali, District- Durg (C.G.) for the offences punishable under Sections 420, 34 of the IPC shall remain stayed, subject to the condition that the petitioners shall co-operate in the investigation.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice