



2026:CGHC:18651-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 705 of 2026**

Aanchal Sharma W/o Saikat Sharma Aged About 31 Years R/o D/802,
Millennium Chowk, Sundar Nagar, P.S. Dd Nagar And Distt. Raipur
(C.G.)

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Station House Officer (Sho) P.S.
Kanker, Distt. Kanker, (C.G.)

2 - Saikat Sharma S/o Shiv Kumar Sharma Aged About 34 Years R/o
Tikrapara, P.S. Kanker, Distt. Kanker (C.G.)

--- Respondent(s)

For Petitioner(s) : Mr. Pragalbha Sharma, Advocate

For Respondent(s) : Ms. Vaishali Mahilong, Dy. G.A. and Mr. Anmol
Sharma, Advocate

CRMP No. 1026 of 2026

1 - Saket Sharma S/o Shiv Kuamr Sharma Aged About 34 Years R/o
902/k/2, Gaya Nagar, Ward No. 4, Durg Tehsil And District- Durg
Chhattisgarh

2 - Smt. Uttara Devi Sharma W/o Shiv Kumar Sharma Aged About 63
Years R/o 902/k/2, Gaya Nagar, Ward No. 4, Durg Tehsil And District-
Durg Chhattisgarh

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Station House Officer, Police Station- Kanker, District- Kanker, Chhattisgarh

2 - Smt. Anchal Sharma W/o Saket Sharma Aged About 31 Years R/o D-802, Millenium Chowk, Sundar Nagar, Police Station-D.D. Nagar, Raipur, Tehsil And District Raipur, Chhattisgarh (Complainant In The Instant Crime)

--- Respondent(s)

For Petitioner(s) : Mr. Anmol Sharma, Advocate

For Respondent(s) : Ms. Vaishali Mahilong, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

23.04.2026

1. Heard Pragalbha Sharma and Mr. Anmol Sharma, learned counsel for respective petitioners. Also heard Ms. Vaishali Mahilong, learned Deputy Government Advocate appearing for respondent / State and Mr. Anmol Sharma, learned counsel, appearing for respondent No. 2 in CRMP No. 705/2026.

2. As per the mediation report dated 06.04.2026, the mediation between the parties has failed.

3. The brief facts, emerging collectively from both the petitions, reveal that the marriage between the husband/Saket Sharma and the wife/Smt. Anchal Sharma was solemnized on 07.06.2023 at Kumhari,



District- Durg, in accordance with Hindu rites and ceremonies, and the mother of the husband is also involved in the dispute. Soon after the marriage, serious matrimonial discord arose between the parties, with each side levelling allegations of cruelty, harassment, and misbehavior against the other. While the wife alleges that she was subjected to physical and mental cruelty by the husband and his family members, leading to the lodging of FIR No. 487/2023 dated 08.12.2023 at Police Station Kanker against the husband, the husband, on the other hand, asserts that the wife was quarrelsome from the very inception of marriage, frequently leaving the matrimonial home, raising repeated monetary demands, and even subjecting him to physical assault, coupled with threats to implicate him and his family in false cases by using the alleged influence of her father in the police department. It is borne out from the record that the said earlier criminal case culminated in a compromise between the parties, resulting in acquittal of the husband on 11.06.2025, however, the relationship did not improve and the parties continued to live separately. Thereafter, the husband instituted divorce proceedings under Section 13(1) of the Hindu Marriage Act before the Family Court at Durg on 02.02.2026 and also submitted a prior representation to the police authorities apprehending false implication. The dispute escalated on 06.02.2026, when the wife travelled to Kanker and an altercation took place between the parties, resulting in registration of cross FIRs on the same day FIR No. 53/2026 at the instance of the wife against the husband and his mother, and FIR No. 54/2026 at the instance of the husband against the wife, both under



the provisions of the Bharatiya Nyaya Sanhita. The material on record thus reflects that both FIRs arise out of the same incident and represent a case of allegations and counter-allegations between estranged spouses, with parallel civil proceedings, including divorce and maintenance cases, also pending between them.

4. Learned counsel for the petitioner in CRMP No. 705/2026 submits that the allegations levelled in the impugned FIR as well as in the statement of the complainant (respondent No. 2) are wholly vague, general, and omnibus in nature, lacking any specific attribution of role or overt act to the petitioner, and thus fail to disclose the commission of any cognizable offence at the very outset. It is contended that the petitioner's matrimonial life has been consistently marred by cruelty, harassment, and ill-treatment at the hands of respondent No. 2 and his family members, however, despite such adverse circumstances, the petitioner made sincere efforts to preserve the marital relationship and continued to cohabit in the hope of reconciliation, which ultimately never materialized. It is further submitted that the impugned FIR is a clear manifestation of mala fide intent and constitutes a retaliatory counterblast, inasmuch as the respondents had earlier induced the petitioner to compound FIR No. 487/2023 by extending false assurances of reconciliation, thereby securing acquittal at an advanced stage of trial, and having achieved such exoneration, have now resorted to misuse of the criminal justice system by lodging the present false FIR to harass and victimise the petitioner. It is argued that respondent No. 2 is attempting to overshadow and neutralize his own



antecedents of domestic violence, for which he had been previously charge-sheeted in the earlier FIR, by instituting the present proceedings. Learned counsel further submits that, being aggrieved by the false implication and continued harassment, the petitioner was constrained to submit a detailed representation before the Director General of Police, New Raipur (Chhattisgarh), highlighting that the FIR was registered mechanically by the Station House Officer without any preliminary inquiry or due application of mind. It is also pointed out that the petitioner is a meritorious student pursuing M.Sc. (4th Semester) and is presently undergoing training/internship with the National Informatics Centre (NIC) at Mantralaya, Raipur, and the institution of the impugned FIR is a calculated attempt to tarnish her reputation and irreparably damage her academic and professional prospects. It is thus contended that the allegations are inherently improbable, arise out of matrimonial discord, and have been given a criminal colour solely with an oblique motive. In such circumstances, permitting the investigation to continue in FIR No. 54/2026 would result in grave miscarriage of justice and would amount to abuse of the process of law. The continuation of such proceedings, it is submitted, not only lacks legal foundation but also infringes the petitioner's fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India. Accordingly, it is prayed that the impugned FIR deserves to be quashed in order to secure the ends of justice and to prevent misuse of the criminal process.

5. Learned counsel for petitioners in CRMP No. 1026/2026 submits



that the present FIR and the consequential criminal proceedings are wholly unsustainable in law and deserve to be quashed, as the petitioners have been falsely implicated on the basis of vague, omnibus, and inherently improbable allegations, which are nothing but an afterthought devised to harass and victimise them. It is contended that the sequence of events clearly demonstrates mala fide intent on the part of respondent No. 2, inasmuch as petitioner No. 1 had already instituted divorce proceedings at Durg and had also approached the police authorities with a prior complaint dated 02.02.2026. Thereafter, on 06.02.2026, the complainant admittedly travelled from Raipur to Kanker not for any bona fide purpose but to threaten, abuse, and assault the petitioners, regarding which the petitioners had already submitted a complaint to the police authorities. It is thus urged that the impugned FIR has been registered mechanically, without due application of mind and in complete disregard of the material on record, as even a bare reading of the FIR does not prima facie disclose the commission of any cognizable offence against the petitioners. Learned counsel further submits that it is a settled principle of law that mere reproduction of statutory language or bald allegations, without specific particulars regarding the role of each accused, cannot constitute a valid criminal prosecution, and in the present case, no specific overt act has been attributed to either of the petitioners. It is further contended that the complainant had voluntarily deserted the matrimonial home and had been residing with her parents for nearly two years, having taken all her belongings including stridhan, thereby falsifying any allegation of



harassment or coercion. It is also pointed out that the complainant has a history of lodging false complaints, and on an earlier occasion had assaulted petitioner No. 1 with a sharp object, however, despite the petitioner's complaint, only a report under Section 155 CrPC was registered, whereas, under the influence of her father, who is in the police department, an FIR under Sections 294 and 323 IPC was registered against petitioner No. 1, demonstrating continuous misuse of the criminal machinery to harass the petitioners. It is further submitted that the present case is a classic instance of malicious prosecution, instituted with an ulterior motive to wreak vengeance upon the petitioners, particularly after initiation of divorce proceedings by petitioner No. 1, and the fact that a cross FIR bearing Crime No. 54/2026 has already been registered at Police Station Kanker under Sections 115(2), 296, and 351(2) of the Bharatiya Nyaya Sanhita further substantiates that the dispute is mutual and the present FIR is a retaliatory measure. It is urged that continuation of such proceedings would cause irreparable loss, injury, and undue harassment to the petitioners, who are innocent, and would amount to a gross abuse of the process of law. Even if the allegations in the FIR are taken at their face value in entirety, no offence is made out against the petitioners, as the allegations are absurd, inherently improbable, and devoid of any specific attribution, such that no prudent person can reach a conclusion that sufficient grounds exist for proceeding against them. Accordingly, it is prayed that this Hon'ble Court may be pleased to quash the impugned FIR and all consequential proceedings in order to secure the



ends of justice and prevent abuse of the process of law.

6. On the other hand, learned State counsel would submit that considering the material available on record, it cannot be held that no *prima facie* case against the petitioners. He would further submit that jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') is extremely limited as FIR cannot be quashed particularly when there is sufficient material available on record.

7. We have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

8. Upon a careful and circumspect evaluation of the rival submissions advanced by learned counsel for the parties, as well as the material available on record, this Court finds that the present matter arises out of a matrimonial discord which has admittedly resulted in registration of cross FIRs between the husband and the wife on the same date i.e. 06.02.2026. It is evident that both FIR No. 53/2026 and FIR No. 54/2026 emanate from the same incident and constitute versions and counter-versions of the same occurrence. The record further reflects that prior to the said incident, there existed a long-standing matrimonial dispute between the parties, including earlier criminal proceedings bearing FIR No. 487/2023 which culminated in compromise and acquittal, followed by institution of divorce proceedings by the husband. Thus, the genesis of the present criminal



litigation is deeply rooted in personal and matrimonial differences rather than any independent criminal intent.

9. It is a settled principle of law that where the allegations made in the FIR, even if taken at their face value and accepted in entirety, do not prima facie constitute the ingredients of any cognizable offence, or where the criminal proceeding is manifestly attended with mala fide and has been instituted with an ulterior motive for wreaking vengeance, the same is liable to be quashed in exercise of inherent jurisdiction. In the present case, this Court finds that the allegations in both the FIRs are largely omnibus, general, and bereft of specific particulars as to the role played by each accused. The dispute appears to be a fallout of strained matrimonial relations, where both parties have levelled allegations against each other in close proximity of time.

10. This Court is also cognizant of the fact that criminal law cannot be permitted to be used as an instrument of harassment or for settling personal scores arising out of matrimonial discord. The existence of cross cases, coupled with prior litigations and the sequence of events leading to the registration of FIRs on the same day, clearly indicates that the criminal proceedings have been set in motion as a counterblast to each other's actions. Continuation of such proceedings, in the considered opinion of this Court, would not serve the ends of justice and would rather amount to abuse of the process of law.

11. Furthermore, no specific overt act has been attributed with clarity so as to satisfy the essential ingredients of the offences alleged under



the Bharatiya Nyaya Sanhita. The allegations, even if taken at their highest, appear to be exaggerated and inherently improbable in the backdrop of the admitted matrimonial dispute between the parties. The possibility of conviction in such circumstances appears to be remote and bleak.

12. In view of the foregoing analysis, and considering the totality of circumstances, this Court is of the considered opinion that this is a fit case for exercise of inherent powers under Section 528 of the BNSS to prevent abuse of the process of Court and to secure the ends of justice.

13. Accordingly, both the petitions deserve to be and are hereby **allowed**. The impugned FIRs bearing Crime No. 53/2026 and Crime No. 54/2026 registered at Police Station- Kanker, along with all consequential proceedings arising therefrom, are hereby quashed.

14. The petitions stand allowed in the aforesaid terms. No order as to costs.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**