



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1023 of 2026

Sanjeev Kumar Mishra **Versus** State Of Chhattisgarh
Order Sheet

23.04.2026	Heard Mr. Amit Soni, learned counsel for the petitioner. Also heard Mr. Nitansh Jaiswal, learned Deputy Government Advocate for respondent No.1 / State. Learned counsel for the petitioner submits that he has filed I.A. No.03/2026 i.e. an application for amendment in the prayer clause. For the reasons mentioned in the application, I.A. No.03/2026 stands allowed. Amendment be carried out during the course of the day. Learned counsel for the petitioner further submits that the petitioner is wholly innocent and has been falsely implicated in the present case without any

cogent material connecting him to the alleged offence. It is contended that the foundational ingredient of the offence under Section 420 IPC, namely the existence of fraudulent and dishonest intention at the very inception of the transaction, is conspicuously absent in the present case. On the contrary, it is urged that upon coming to know that an amount of Rs.1,71,000/- had been transferred to the petitioner's account, the petitioner, acting bona fide and without any delay, refunded the entire amount to the complainant, which fact stands duly acknowledged in the complainant's statement before the police authorities. This conduct, it is argued, completely demolishes any allegation of cheating or dishonest misappropriation. It is further submitted that there is an unexplained and inordinate delay of approximately six months in lodging the FIR, which casts serious doubt on the veracity of the allegations. Learned counsel emphasizes that the petitioner has never met the complainant nor made any false representation to him, and the only basis for

	implicating the petitioner is his status as a partner in the firm, which by itself does not attract criminal liability in the absence of specific overt acts. It is further contended that even a bare perusal of the FIR and the charge sheet would reveal that the dispute, at best, arises out of a commercial distributorship arrangement involving financial transactions such as payment of rent, salaries, and service charges, thereby giving the matter a purely civil complexion. It is a settled proposition of law that criminal proceedings cannot be permitted to be used as a tool for settling civil disputes or for exerting pressure upon a party, as repeatedly held by the Hon'ble Supreme Court in a catena of decisions, including <i>Narinder Singh & Ors. v. State of Punjab & Anr.</i>, (2014) 6 SCC 466, wherein it has been held that the inherent powers of the High Court may be exercised to secure the ends of justice or to prevent abuse of the process of the Court. It is thus submitted that the continuation of the present criminal proceedings amounts to a gross abuse of the process
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of law, particularly when the parties have effectively resolved the financial aspect of the dispute and the possibility of conviction is remote and bleak. In such circumstances, compelling the petitioner to undergo the rigours of a criminal trial would result in grave prejudice, oppression, and miscarriage of justice. Accordingly, it is prayed that the proceedings in Criminal Case No. 6758/2025, even if taken at their face value, do not disclose the commission of any cognizable offence against the petitioner and are therefore liable to 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, further proceedings against the petitioner, namely, **Sanjeev Kumar Mishra** in Criminal Case No. 6758/2025, pending before the Court of learned Chief Judicial Magistrate, Kabirdham, District- Kabirdham (C.G.) arising out of Crime No. 87/2024 shall remain stayed, subject to the condition that the petitioner shall co-operate in the investigation.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice