



2026:CGHC:16772-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1032 of 2026**

Smt. Ankita Agrawal W/o Shri Rohit Agrawal Aged About 34 Years
 Resident of L-7, D-133/134, Swarnbhoomi, Vidhan Sabha Road, Raipur,
 Tehsil And District Raipur (C.G.)

... Petitioner(s)**versus**

1. State of Chhattisgarh Through The Secretary, Ministry of Home,
 Mantralay, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Station House Officer Police Station Mahila Thana, Raipur,
 District Raipur Commissionerate (C.G.)
3. Smt. Mansi Kaushik W/o Shri Amar Agrawal Aged About 40 Years
 Resident of Signature Homes, Behind Magneto Mall, G.E. Road,
 Raipur, Tehsil And District Raipur (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Ankur Agrawal, Advocate.
For Respondent/State	:	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

13.04.2026

1. Heard Mr. Ankur Agrawal, learned counsel for the petitioner. Also heard Mr. Shailendra Sharma, learned Panel Lawyer, appearing for the State/respondent No. 1.
2. The present petition has been filed by the petitioner with the following prayer:

"It is, therefore, prayed that this Hon'ble Court may be pleased to exercise its inherent jurisdiction under Section 528 of BNSS and in exercise thereof admit the petition, call for the records and after hearing the parties in the matter, quashing FIR No. 40/2026 dated 21.03.2026 registered with respondent No. 2-Police Station for the offences under Section 3(5), 85 of BNS, being abuse of process of Court and abuse of process of law and also in violation of petitioner's fundamental rights and in peculiar factual matrix of case and in interest of justice."

3. Learned State counsel submits that the present petition is not maintainable, as the petitioner has failed to implead the husband of the complainant, who is also the brother of the petitioner. It is contended that, the dispute being essentially matrimonial in nature, the said person



is a necessary and proper party, without whose presence no effective and binding adjudication can be undertaken by this Court.

4. Having considered the submission, this Court finds merit in the objection raised by the learned State counsel. The non-impleadment of the husband of the complainant, who is directly and substantially affected by the outcome of the present proceedings, goes to the root of the matter. The petition, as presently constituted, suffers from a fundamental defect of non-joinder of a necessary party and reflects a lack of due diligence on the part of the petitioner.

5. At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition, with liberty to file a fresh petition after impleading the husband of the complainant as a party.

6. Learned State counsel raises no objection to the said prayer.

7. In view of the above, the present petition is **dismissed as withdrawn**, with liberty to the petitioner to file a fresh petition in accordance with law, after impleading all necessary parties. It is made clear that this Court has not expressed any opinion on the merits of the case.

8. Certified copy of the FIR other documents, if any, be returned to the petitioner after retaining photocopies of the same.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice