



2026:CGHC:17725-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1103 of 2026**

Surendra Kumar Kashyap S/o Muktiyar Kashyap Aged About 23 Years
R/o Village - Negurdih, PS Nawagarh, District Janjgir-Champa
Chhattisgarh

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

1. State of Chhattisgarh Through The Station House Officer, Police Station Nawagarh, District Janjgir-Champa Chhattisgarh
2. Jagram Kashyap S/o Ramlal Kashyap R/o Village - Khertal, Police Station - Nawagarh, District Janjgir-Champa Chhattisgarh (Complainant)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Sangeet Kumar Kushwaha, Advocate.
For Respondent/State	:	Mr. Saumya Rai, Deputy Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****20.04.2026**

1. Heard Mr. Sangeet Kumar Kushwaha, learned counsel for the petitioner. Also heard Mr. Saumya Rai, learned Deputy Government Advocate, appearing for the State/respondent No. 1.



2. The present petition has been filed by the petitioner with the following prayer:

“It is therefore most respectfully prayed that this Hon’ble Court may kindly be pleased to quash the impugned FIR bearing Crime No. 82 of 2026 dated 03.03.2026 for the offence punishable under Section 296, 351(3), 191(2), 191(3), 109 of Bharitya Nyay Sanhita, 2023 (Annexure P/1) registered at Police Station, Nawagarh, District Janjgir-Champa, so far it relates to petitioner, in the interest of justice.”

3. Learned counsel for the petitioner submits that the petitioner is a journalist by profession and is engaged in covering news events in the ordinary course of his duties. It is submitted that in connection with an incident dated 02.03.2026, certain accused persons namely Vinay Kashyap, Pappu Yadav, Aman Kashyap, Atul Yadav, Raja Karsh, Sarwan Karsh, Dhananjay Kashyap and Sajid Khan allegedly abused, threatened and assaulted one Gautam Yadav, pursuant to which Crime No. 81/2026 came to be registered at Police Station Nawagarh for the offences punishable under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023. The said incident is stated to have taken place at Negurdih Chowk, Village Negurdih.

4. It is further submitted by the learned counsel, appearing for the petitioner that the injured Gautam Yadav was admitted to the hospital for treatment and upon receiving information of the incident, the



petitioner, in his capacity as a journalist, visited the hospital solely for the purpose of covering the news and thereafter returned, having no connection whatsoever with the occurrence. He also submits that on the following day i.e. 03.03.2026, respondent No. 2, who is the father of Aman Kashyap (one of the accused in the earlier crime), lodged a false and fabricated report alleging that his son Aman Kashyap had been assaulted and that when he reached the spot, he too was abused and assaulted by certain persons including the present petitioner. Based on the said report, Crime No. 82/2026 came to be registered against several persons including the petitioner under Sections 296, 351(3), 191(2), 191(3) and 109 of the Bharatiya Nyaya Sanhita, 2023.

5. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the aforesaid crime with an oblique motive and only to take revenge, as the earlier FIR was registered against the son of respondent No. 2. The petitioner neither participated in the alleged incident nor inflicted any injury upon respondent No. 2, and in fact, was not even present at the place of occurrence at the relevant time. He further contended that the petitioner's presence was limited only to the hospital for reporting purposes, and there is no material whatsoever to establish his involvement, either directly or indirectly, in the alleged offences. It is further submitted that even if the entire allegations in the impugned FIR are taken at their face value, the essential ingredients of the alleged offences are not made out against the petitioner. On these grounds, it is submitted that the impugned FIR bearing Crime No. 82/2026 dated 03.03.2026 registered at Police



Station Nawagarh, District Janjgir-Champa is an abuse of the process of law and is liable to be quashed.

6. On the other hand, learned State counsel opposes the petition and submits that the impugned FIR discloses specific and serious allegations against the petitioner. It is contended that the petitioner has been expressly named in the FIR and attributed a role in the incident, and therefore, at this stage, it cannot be said that no offence is made out against him. He further submits that the plea of the petitioner that he is a journalist and was present only for reporting purposes is a matter of defence, which cannot be examined in proceedings for quashing. It is also submitted that the FIR, along with the statements of witnesses, prima facie establishes the involvement of the petitioner, and the investigation is at a crucial stage. Interference at this juncture would amount to stifling a legitimate prosecution. Hence, it is prayed that the petition deserves to be dismissed.

7. We have considered the rival submissions and perused the material available on record, including the impugned FIR.

8. A perusal of the FIR reveals that the complainant, a resident of Village Bairatam engaged in agricultural work, has alleged that on the night of 02.03.2026 at about 10:00 p.m., due to previous enmity, the named accused persons assaulted his son Aman Kashyap with iron rods, sticks and a tangiya, rendering him unconscious. It is further alleged that upon receiving information and reaching the spot, when the complainant attempted to assist his son, the accused persons, sharing



a common intention to kill, also assaulted him with deadly weapons, causing head injuries and rendering him unconscious. The FIR further states that the accused fled the scene presuming him to be dead, and that upon regaining consciousness, he was taken to the hospital by his family members. The incident is stated to have been witnessed by Sukhilal Sahu and Sammelal. On the basis of these allegations, offences under Sections 296, 351(3), 191(2), 191(3) and 109 of the Bharatiya Nyaya Sanhita, 2023 have been registered and the matter is under investigation.

9. It is well settled that the power of the High Court to quash criminal proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Cr.P.C.) is extraordinary in nature and is to be exercised sparingly, with great caution, and only in cases where the allegations do not disclose any cognizable offence or where continuation of proceedings would amount to abuse of the process of law.

10. The principles governing the exercise of such jurisdiction have been laid down by the Hon'ble Supreme Court in a catena of decisions, including ***State of Haryana v. Bhajan Lal, AIR 1992 SC 604; Rupan Deol Bajaj v. K.P.S. Gill, (1995) 6 SCC 194; Rajesh Bajaj v. State NCT of Delhi, (1999) 3 SCC 259; Medchl Chemicals & Pharma Pvt. Ltd. v. Biological E. Ltd., (2000) 3 SCC 269; State of Orissa v. Saroj Kumar Sahoo, (2005) 13 SCC 540; and Neharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315***, wherein it



has been consistently held that at the stage of quashing, the Court should not embark upon an enquiry into the reliability or genuineness of the allegations or enter into disputed questions of fact.

11. In the present case, the petitioner has been specifically named in the FIR with clear allegations of participation in the assault. The contention that he was not present at the place of occurrence and has been falsely implicated due to prior enmity is a disputed question of fact, which cannot be adjudicated at this stage. The defence sought to be raised by the petitioner, including his claim of being present only as a journalist, requires appreciation of evidence and cannot be examined in proceedings under Section 528 of the BNSS.

12. It is also pertinent that the investigation is still in progress and the role of each accused person, including the present petitioner, is yet to be conclusively determined. At this stage, the statements of witnesses and other material collected during investigation lend support to the allegations made in the FIR, and therefore, it cannot be said that no prima facie case is made out.

13. In the considered opinion of this Court, the allegations, when taken at their face value, clearly disclose the commission of cognizable offences and do not appear to be so absurd or inherently improbable so as to warrant interference under the inherent jurisdiction of this Court. The case does not fall within the parameters laid down for quashing of criminal proceedings.

14. Accordingly, no case is made out for exercise of inherent



jurisdiction to quash the FIR or the consequential proceedings, and the petition is liable to be dismissed.

15. Consequently, the present petition stands **dismissed**.

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

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