



2026:CGHC:20598-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1228 of 2026**

Kunti Gupta W/o Late Rajkumar Gupta Aged About 73 Years R/o Village Kachhiya, Ps Chalgali, District Balrampur-Ramanujganj, (C.G.), Presently R/o Kedarpur Gudrichowk, Ward No. 28, Ambikapur, Ps Kotwali, District Surguja, C.G.

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

The State of Chhattisgarh Through The Station House Officer, Police Station- Lundra, District Surguja (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Neeraj Kumar Mehta, Advocate.
For Respondent/State	:	Dr. Saurabh Pande, Deputy Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****04.05.2026**

1. Heard Mr. Neeraj Kumar Mehta, learned counsel for the petitioner. Also heard Dr. Saurabh Pande, learned Deputy Advocate General, appearing for the State/respondent.



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

“1. Allow this petition and,

2. Quash the FIR No. 185 of 2025 and complete charge-sheet of the Criminal Case No. 8635 of 2025 in Crime No. 185 of 2025 registered at Police Station Lundra, District Surguja against the petitioner for an offence punishable under Section 106(1) of the Bharatiya Nyaya Sanhita, 2023.”

3. Learned counsel for the petitioner submits that, as per the prosecution case itself, the unfortunate incident occurred on 22.06.2025 at about 04:00 PM when the deceased was allegedly called by the watchman of the Damar Plant and, while digging a pit for fixing an iron peg for installation of a halogen light, the said iron peg accidentally came into contact with an overhead 11 KV live wire, resulting in electrocution. It is submitted that the entire sequence of events, even if taken at its face value, clearly reflects an accidental occurrence without any element of rashness or negligence attributable to the present petitioner.

4. Learned counsel for the petitioner further submits that the petitioner is merely a Director of the said Damar Plant and has been arrayed as an accused on the basis of bald, omnibus and unfounded allegations, without there being any specific role assigned to him in the entire incident. It is contended that there is no material on record to demonstrate that the petitioner had any knowledge of, or involvement in, the alleged activity of digging a pit for installation of a halogen light,



which ultimately led to the unfortunate death. He also submits that, from the prosecution story itself, the act in question was being carried out at the instance of the watchman, and there is no allegation whatsoever that the petitioner had instructed, supervised, or was even aware of such work being undertaken. In absence of any such material, fastening criminal liability upon the petitioner is wholly unjustified and unsustainable in the eyes of law.

5. Learned counsel for the petitioner would submit that the essential ingredients of Section 106(1) of the Bharatiya Nyaya Sanhita, 2023, relating to causing death by negligence, are not made out against the petitioner. There is neither any allegation nor any evidence to suggest that the petitioner committed any rash or negligent act which resulted in the death of the deceased. In fact, there is a complete absence of any direct or proximate nexus between the petitioner's conduct and the alleged incident. He further contended that there is no element of intention or knowledge attributable to the petitioner, and the incident, at best, can be termed as a pure accident arising out of an unforeseen circumstance. In such a situation, continuation of criminal proceedings against the petitioner would amount to misuse and abuse of the process of law. He submits that the FIR and the material collected during investigation do not disclose any specific overt act on the part of the petitioner. The allegations are vague, general and omnibus in nature, lacking the necessary particulars to constitute an offence. There is no causal link between any act of the petitioner and the alleged death of the deceased.



6. It is further submitted by learned counsel, appearing for the petitioner that even the charge-sheet filed by the prosecution does not bring on record any incriminating material against the petitioner, and his implication appears to be merely on account of his designation as a Director, which by itself cannot be a ground for criminal prosecution in absence of specific allegations. He further stated that the present case squarely falls within the parameters laid down by the Hon'ble Supreme Court in the celebrated judgment of ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, particularly those categories where the allegations made in the FIR, even if taken at their face value, do not prima facie constitute any offence, or where the allegations are so absurd and inherently improbable that no prudent person can reach a conclusion that there is sufficient ground for proceeding against the accused.

7. It is thus submitted that, in the facts and circumstances of the case, there is no nexus whatsoever between the petitioner and the alleged offence, and allowing the criminal proceedings to continue against him would result in grave miscarriage of justice. Hence, the petitioner deserves to be discharged/quashed from the present proceedings in the interest of justice.

8. *Per contra*, learned State counsel vehemently opposes the petition and submits that the investigation has been conducted strictly in accordance with law and after following due procedure. It is contended that during the course of investigation, cogent and reliable material has



been collected, including statements of material witnesses, spot inspection report, inquest proceedings, seizure memos, and documentary evidence obtained from the Electricity Department. The said material, taken cumulatively, prima facie discloses negligence in ensuring safety at the workplace, which resulted in the death of the deceased. It is further submitted that, upon due application of mind and scrutiny by the competent prosecuting authority, the charge-sheet has been filed before the jurisdictional Court, and therefore, no case for quashing is made out at this stage.

9. We have heard learned counsel for the parties at length and have carefully gone through the FIR, charge-sheet, and the material available on record.

10. The scope of interference by this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India or under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is well settled. Such jurisdiction is to be exercised sparingly, with great caution, and only in exceptional circumstances where the allegations, even if taken at their face value and accepted in entirety, do not disclose the commission of any offence, or where continuation of the proceedings would amount to abuse of the process of law. At this stage, the Court is not expected to undertake a meticulous appreciation of evidence or to adjudicate upon the correctness or otherwise of the allegations. The test is confined to the existence of a prima facie case.

11. In the present case, a careful and thorough perusal of the FIR and



the charge-sheet clearly establishes that on 22.06.2025 at about 4:00 p.m., the deceased, Madan Yadav, was called to Jai Mata Di Damar Plant by the watchman for the purpose of installation of a halogen light. While carrying out the said work, the iron peg being used by him came into contact with an overhead 11 KV live electric wire passing above the premises, resulting in severe electrocution. The deceased was immediately taken to Mission Hospital, Ambikapur, where he was declared dead by the attending Doctor.

12. An unnumbered merg was initially registered at Police Outpost Holy Cross and, upon transfer of jurisdiction, Merg No. 67/2025 was registered at Police Station Lundra under Section 194 of the BNSS. During the course of inquiry, it was prima facie found that the accused Sushil Uike (watchman) and Kunti Gupta (operator) had committed an offence punishable under Section 106(1) of the BNS, whereafter a formal case was registered and investigation was duly undertaken.

13. The investigation, based on statements of witnesses, spot inspection, inquest proceedings, seizure memos, and documentary evidence including official communication from the Electricity Department, has revealed sufficient incriminating material indicating negligence in ensuring basic safety measures at the workplace. The material collected prima facie suggests that the work was undertaken in proximity to a high-voltage live wire without adequate precautions, which is a relevant circumstance attracting culpability under the law. Both accused persons were arrested and subsequently released on



bail, the offence being bailable in nature. It is further evident that the seizure proceedings were conducted in strict compliance with Section 105 of the BNSS; the same were duly videographed, and the electronic record was preserved along with its hash value, ensuring its authenticity and evidentiary sanctity.

14. From the aforesaid material, this Court finds that there exists a clear prima facie nexus between the alleged act/omission and the resultant death of the deceased, which necessitates a full-fledged trial. The contention that the incident was purely accidental, or that no negligence is attributable, cannot be accepted at this stage, as such determination would require appreciation of evidence, including examination of witnesses and evaluation of surrounding circumstances, which lies exclusively within the domain of the learned trial Court.

15. The plea of the petitioner that he has been falsely implicated on account of his designation, and that no specific role has been attributed to him, is also not sufficient to warrant quashing at this stage. The question as to whether the petitioner was in charge of, or responsible for, the conduct of operations at the relevant time, and whether there was any omission on his part contributing to the incident, are matters requiring evidence and cannot be conclusively adjudicated in proceedings under Article 226 or Section 528 of the BNSS.

16. It is also well settled that where the allegations disclose the commission of an offence and the material collected during investigation supports the same, the proceedings ought not to be scuttled at the



threshold. The defence sought to be raised by the petitioner, including absence of knowledge or lack of direct involvement, cannot be gone into at this stage, as it would amount to conducting a mini-trial, which is impermissible in law.

17. The reliance placed on *Bhajan Lal* (supra) is misplaced, as the present case does not fall within any of the recognized categories warranting quashing. The allegations are neither absurd nor inherently improbable, and the material on record cannot be said to be wholly insufficient to proceed against the petitioner.

18. In view of the aforesaid discussion, this Court is of the considered opinion that the FIR and the charge-sheet disclose a prima facie case, and the matter requires adjudication on merits before the trial Court. No exceptional circumstance is made out to invoke the extraordinary or inherent jurisdiction of this Court.

19. Consequently, the petition, being devoid of merit, is hereby **dismissed**. It is, however, clarified that the observations made herein are only for the purpose of deciding the present petition and shall not influence the learned trial Court in any manner while adjudicating the case on merits.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice