



2026:CGHC:21775

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1207 of 2026****1 - Kiran Dewangan Wd/o Late Mulchand Dewangan Aged About 64 Years****2 - Girija Shankar Dewangan S/o Late Mulchand Dewangan Aged About 37 Years**

Both Residents of Kiran Niwas, Street No. 01, Ward No. 60, Pushpak Nagar, Durg, P.S. Mohan Nagar, Distt.- Durg (C.G.)

... Petitioners**versus**

State of Chhattisgarh Through District Magistrate Bastar, Place- Jagdalpur (C.G.)

... Respondent

For Petitioners : Mr. Jitendra Gupta, Advocate

For State /Respondent : Mr. Vivek Sharma, PL

(Hon'ble Shri Justice Ravindra Kumar Agrawal)**Order on Board****08/05/2026**

1. The instant petition under Section 528 of the Bhartiya Nagrik Suraksha Sanhita has been filed challenging the order dated 06/04/2026 (Annexure P/1) passed by the learned Additional Sessions Judge, F.T.C. Bastar,



Place-Jagdalpur in CRR No.06/2026 whereby the revision application filed by the petitioners under Section 438 of the BNSS challenging the order of framing of charge passed by the JMFC, was dismissed.

2. The brief facts of the case as projected by the petitioners are that the marriage between the Petitioner No.2 and the complainant was solemnized on 16/05/2011 in Durg as per Hindu rites and customs. Two daughters were born out of the said wedlock aged 09 Years & 06 Years. The complainant lodged a written complaint with the concerned police station on 11.4.2021 mentioning therein that when complainant returned from Raipur after giving her examination, Petitioner No.1 mother-in-law has taken all her ornaments on the apprehension of theft. The petitioners used to torture the complainant mentally and physical on the ground that she gave birth to two female child, whereas they wanted a boy. On 28.11.2019 husband of complainant, left his place of residence at Jagdalpur and went back to his house situated in Bhilai. On call of the complainant, Petitioner No.2/husband gave threats to the complainant and asked her to take unconditional divorce from him. The complainant on 23/11/2020 filed a written complaint with the Police Station Mahila Prakoshtha, Jagdalpur, thereafter she gave a complaint to the Police Station Bodhghat, Bastar, District Jagdalpur on 02/03/2021 praying for registration of FIR against the petitioners. On the basis of the same on 11/04/2021 an FIR under Section 498A & 34 of the IPC was registered. Upon completion of the investigation the police filed the charge-sheet dated 02/11/2021 in the Court of CJM, Jagdalpur against the petitioners and the trial Court after perusal of the charge-sheet framed the charges



under Section 498A & 34 of the IPC against the petitioners.

3. Earlier the petitioners preferred a petition under Section 482 of the Cr.P.C. bearing CRMP 1171/2022 before this Court seeking quashment of FIR No.106/2021 and criminal proceedings registered against the petitioners. This Court dismissed the said petition by order dated 26/02/2026 on the ground that the charges have been framed against the petitioners and the trial is in advanced stage. Thereafter, the petitioner preferred a revision application challenging the order of framing of charge by the learned trial Court before the revisional Court and filed an application under Section 438 BNSS seeking setting aside of the charges framed by the trial Court. The revisional Court by the impugned order dated 06/04/2026 dismissed the revision application preferred by the petitioners. Hence the instant petition.
4. Learned counsel for the petitioners would submit that there is no specific allegation with respect to the harassment and no specific date or incident has been narrated by the complainant in the FIR. He would further submit that there is no prima facie material available to frame charges against the petitioners in the charge-sheet. He would further submit that the Petitioner No.1, who is the mother-in-law, was residing in Bhilai whereas the alleged incident is said to have been occurred at Jagdalpur. He would further submit that there is a delay of 10 years in lodging the FIR wherein the omnibus general allegations have been leveled against the petitioners. He would therefore submit that under the circumstances the order of framing of charge against the petitioners may be quashed and they may be discharged.



5. On the other hand learned counsel for the State opposes the submissions made by learned counsel for the petitioners and would submit that from the material available in the charge-sheet there are sufficient evidence against the petitioners. He would further submit that at the stage of framing of charge the Court is not required to meticulously examine the evidence and materials on record as if conducting a mini trial, but only to see whether a prima facie case or grave suspicion exists against the accused or not. Therefore, there is no merit in the instant petition and the same deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the record.
7. In the present case, the petitioners have not impleaded complainant as a party respondent, therefore, she could not get the opportunity to appear before the Court. Further from perusal of the FIR dated 11/04/2021 it transpires that after the marriage petitioners started harassing the complainant on account of giving birth to the girl child and they wanted a male child. They also pressurized her for giving divorce to Petitioner No.2 and even after counseling the conduct of the petitioners did not improve. From the statement of the complainant it further transpires that the behaviour of the petitioners was not good towards her family members and a demand of dowry was made from her. The entire salary of the complainant was being taken by the petitioners.
8. The Supreme Court in the matter of *State Versus Bangarappa {2001 (crm) 152, AIR 2001 SC 222}* has held that this Court has pointed out at the stage of framing of charge court should not enter upon a process of evaluating the evidence by deciding its worth or credibility. Limited



exercise during this stage is to find out whether materials offered by prosecution to be adduced as evidence are sufficient for the court to proceed further. Further, the Supreme Court in the matter of *Bhawani Bai Versus Ghanshyam & Ors. {(2020) 2 SCC 217}* has held that at the stage of framing the charge, the Court has to see if there is sufficient ground for proceeding against the accused. While evaluating the materials, strict standard of proof is not required; only prima facie case against the accused is to be seen.

9. Prima facie reading of the FIR discloses that the sufficient material is available to proceed with the trial, therefore, in view of the law laid down by the Supreme Court in the above cases, I do not find any perversity or irregularity in the order of framing of charge which would require interference by this Court.
10. Accordingly, the instant petition being devoid of merits is liable to be and hereby dismissed.

SD/-
(Ravindra Kumar Agrawal)
JUDGE

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