

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1425 of 2026****Pooja Devi Awasthi *Versus* State Of Chhattisgarh****Order Sheet**

15.06.2026	<p>Heard Mr. Arvind Kumar Dubey, learned counsel for the petitioner. Also heard Mr. Sourabh Sahu, learned Panel Lawyer for respondent / State.</p> <p>Learned counsel for the petitioner submits that the petitioner is wholly innocent and has been falsely implicated in the present case on the basis of vague, unfounded and fabricated allegations. It is submitted that the registration of the impugned FIR, filing of the charge-sheet and the consequential criminal proceedings, including the cognizance order dated 05.06.2025 passed by the learned Judicial Magistrate First Class, Raipur in Criminal Case No. 27110/2025, are manifestly illegal, arbitrary and amount to gross abuse of the process of law. Even if the allegations contained in the FIR and the</p>

material collected during investigation are accepted in their entirety, the same do not disclose the commission of any cognizable offence by the petitioner nor do they satisfy the essential ingredients of the offences alleged under Sections 308(2), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023. There is no prima facie material, legally admissible evidence or independent incriminating circumstance connecting the petitioner with the alleged acts. The prosecution case itself reveals that the alleged threats were extended by an unidentified person through a mobile number and the alleged monetary transactions were made to a co-accused person, thereby completely lacking any direct nexus with the petitioner. The implication of the petitioner is founded merely upon suspicion and statements of co-accused persons, which by themselves possess no substantive evidentiary value and cannot form the sole basis for prosecution. The investigation has been conducted in a mechanical and arbitrary manner without collection of any credible evidence demonstrating either active participation, common intention or the requisite mens rea on the part of the petitioner. Continuation of the

criminal proceedings in such circumstances would result in unnecessary harassment, miscarriage of justice and abuse of the process of the Court. Reliance is placed upon ***Pepsi Foods Ltd. v. Special Judicial Magistrate***, reported in (1998) 5 SCC 749 wherein the Hon'ble Supreme Court held that summoning an accused is a serious matter and cannot be undertaken in a routine or mechanical manner without sufficient material. Therefore, the impugned FIR, charge-sheet, cognizance order and all consequential proceedings arising therefrom are legally unsustainable, devoid of merit and liable to be quashed in exercise of the inherent and extraordinary jurisdiction of this Court.

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, **Pooja Devi Awasthi** in Criminal Case No.27110/2025 pending before the learned JMFC Raipur, District- Raipur (C.G.), arising out of Final Report No. 88/2025 dated 02.06.2025 submitted by the Police Station- Khamhardih, District- Raipur in connection with Crime No. 97/2025 registered on 07.05.2025, under Section 308(2), 238 & 3(5) of the BNS 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