



2026:CGHC:21555-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1274 of 2026

1 - Suraj Dhritlahre S/o Shri Narmada Dhritlahre Aged About 25 Years R/o Village- Bandha, Outpost- Junapara, Thana- Takhatpur, Distt.- Bilaspur (C.G.)

... **Petitioner(s)**

versus

1 - The State of Chhattisgarh Through District Magistrate Mungeli, Distt.- Mungeli (C.G.)

2 - Jamuna Diwakar W/o Shri Preetam Diwakar Aged About 58 Years R/o Tekanpara, Lormi, Mungeli, Distt.- Mungeli (C.G.)

... **Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Rajendra Patel, Advocate.
For State	:	Ms. Vaishali Mahilong, Dy. Govt. Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

08.05.2026

Per, Ramesh Sinha, CJ.

1 The petitioner has filed this petition with the following prayer:

"It is, therefore, prayed that the instant petition may kindly be allowed and the Chargesheet/Final Report no.09/2026 dated 14.01.2026 of Crime No. 586/2025 for offences punishable u/s 296, 115(2), 351(2), 333, 191(2), 191(3), 190, 118(1), 324(5), 109

of BNS registered at P.S. Lormi, Distt. - Mungeli (C.G.) and the proceedings of Criminal Session-Trial No.05/2026 pending before Sessions Judge Mungeli as well as the order of taking cognizance dated 10.02.2026 with respect to the petitioner may kindly be quashed, in the interest of justice.”

- 2 The prosecution story in short is that, the complainant Jamuna Diwakar lodged the oral report at Police Station Lormi on 21.10.2025 with the averment that at about 07 O'clock children were burning crackers, at that time Rajkumar Dhritlahre along with his 3-4 companions crossed the spot in motorcycle abusing the children for burning crackers. After 15-20 minutes Rajkumar and his companions again came there and started beating her husband who was parking his motorcycle in the house thereafter she shouted to her son Omprakash, Umesh Diwakar, Narendra Diwakar came and tried to intervene so the accused persons beaten them also with hand, fist, rod etc. and threatened them to death and flew away. She had further alleged that the said accused persons have also caused damage to the vehicles parked outside their house and due to the said incident her husband, Omprakash, Narendra, Umesh and she herself have received injuries over various parts of body and were admitted in Community Health Centre, Lormi for treatment. Preetam Diwakar, Omprakash Diwakar and Umesh Diwakar were later referred to District Hospital Mungeli and from there to CIMS Bilaspur. On the basis of said report the police of Police Station Lormi registered the offence of crime No. 586/2025 for the offences punishable u/s 296, 115(2), 351(2), 333, 3(5) of BNS against Rajkumar Dhritlahre, Dilip Dhritlahre, Arjun and Rajkumar's Brother. After lodging

FIR the police initiated the investigation, spot map was prepared, statements of witnesses were recorded and after completion of the investigation the chargesheet was filed before the competent court for the offences punishable u/s 296, 115(2), 351(2), 333, 191(2), 191(3), 190, 118(1), 324(5), 109 of BNS. During investigation, the petitioners name was included as accused.

- 3 Learned counsel for the petitioner would submit that the petitioner's name does not find place in the FIR. There is a case and counter case. The FIR of Crime No. 586/2025 is the counterblast to the FIR lodged by the co-accused Rajkumar Dhritlahre on the same day registered as Crime No. 585/2025 against the family members of respondent no. 2-complainant. There is no evidence available on record against the petitioner for commission of the alleged offence and no prima facie case is made out against the petitioner. His name was included at later stage by the victim in order to implicate him being relative of other co-accused. Thus, entire criminal proceeding against the petitioner vitiates and the same be quashed.
- 4 We have heard the counsel for the petitioner and perused the documents annexed with the petition.
- 5 On a specific query being made, it is fairly submitted that charges have been framed before the trial court and final report has been submitted in the case. No interim order has been passed in favour of the petitioner in the present matter. Though initially the petitioner's name does not find place in the FIR, but his name was included during investigation. Further, trial is commenced and also considering the fact that there is a case and counter case against the parties, we are not

inclined to quash the FIR at this stage as the issue involved in the present case is factual in the nature which can be determined after adducing evidence of the prosecution witnesses.

- 6 So far as the law under Section 528 of BNSS is concerned, it is by now a well settled proposition, that while considering the case for quashing of the Criminal proceedings the court should not “kill a stillborn child” and appropriate prosecution should not be stifled unless there are compelling circumstances to do so. An investigation should not be shut out at the threshold if the allegation has some substance. When a prosecution at the initial stage is to be quashed, the test to be applied by the Court is whether the uncontroverted allegation as made, prima facie establishes the offence. At this stage neither can the Court embark upon an inquiry, whether the allegations in the complaint are likely to be established by evidence nor should the court judge the probability, reliability or genuineness of the allegations made therein.
- 7 In view of above, we are not inclined to interfere with the matter at this stage. The petition is accordingly dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice