



2026:CGHC:21123-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1548 of 2024

- 1 - Veer Vikram Singh S/o Late Pushpendra Bahadur Singh, Aged About 49 Years
 - 2 - Sidheshwari Singh, D/o Late Pushpendra Bahadur Singh, Aged About 40 Years
 - 3 - Smt. Ranjana Devi, Wd/o Late Pushpendra Bahadur Singh Aged About 73 Years
- All are R/o Safed Mahal, Sakti, Tahsil Sakti, District Shakti, C.G. And R/o Flat No. 605, Block -A, Avinash Pride, Heerapur, Raipur, Chhattisgarh.

... **Petitioner(s)**

versus

- 1 - State Of Chhattisgarh Through P.S. Sakti, District Shakti Chhattisgarh.
 - 2 - Smt. Divya Singh W/o Veer Vikram Singh, Aged About 48 Years R/o Safed Mahal, Sakti, District Shakti, Chhattisgarh.
- ...**Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioners	:	Shri Hemant Gupta, Advocate
For Respondent/State	:	Shri Nitansh Kumar Jaiswal, Dy Government Advocate
For Respondent-2	:	Shri Kamlesh Kumar Pandey, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal
Order on Board

Per Ramesh Sinha, Chief Justice

06.05.2026

Heard Shri Hemant Gupta, learned counsel for the petitioners. Also heard Shri Nitansh Kumar Jaiswal, learned Dy Government Advocate



appearing for the respondent/State, and Shri Kamlesh Kumar Pandey, learned counsel for respondent- 2.

1. Petitioners have filed the present petition with the following prayer:

“It is therefore prayed, that this Hon’ble Court may kindly be allow the instant Cr.M.P. petition & quash the FIR No.154 of 2023 dated 31.05.2023 registered at PS – Shakti, District-Sakti, along with the charge sheet no.174/2023 filed before the Learned Court of CJM at Sakti, in Criminal Case no 1268/2023 in the interest of justice”

2. Present petition is filed by the petitioners under Section 482 of the CRPC for quashing of FIR 154 of 2023 registered at Police Station, Sakti, District Sakti for the offence under section 294, 506, 323, 34 of the IPC and also for quashing of charge sheet 174 of 2023 filed before the Learned Chief Judicial Magistrate, Sakti where criminal case 1268 of 2023 is registered.

3. Facts of the case in brief are that FIR was registered on 31.05.2023 against the petitioners for the aforesaid offences on a complaint made by Respondent-2, who is wife of petitioner-1. It is alleged in the FIR that on 31.05.2023 when she came to the downstairs and went to the room of her minor daughter, her husband (petitioner-1), Sister-in-law (petitioner-2) and Mother-in-Law (petitioner-3) started abusing her and pressurized to withdraw the complaint which was lodged against one Dharmendra Sidar. They assaulted her by hands and fists by which she received injuries on



her body. Police registered the offence and after investigation charge-sheet has been filed.

4. Learned counsel appearing for the petitioners would submit that it is purely family dispute between the husband and wife and between the family members with respect to partition of the family property. The parties belong to Royal family at Sakti and they are having numerous properties with them. However, the dispute is with respect to their respective shares. He would also submit that the matrimonial litigation between petitioner -1 and respondent- 2 is pending and it is only to create pressure upon the petitioners, motivated FIR has been lodged. The civil suit with respect to adoption deed was also pending between the family members of Raja Surendra Bahdur Singh and looking to the family dispute between the parties, it would amount to abuse of the power of the court as well as abusing the process of law. Purely civil dispute between the family members has been given the colour of criminality and therefore, the impugned FIR, charge-sheet as well as proceedings of the criminal case against the petitioners may be quashed.

5. On the other hand, learned counsel for respondent-2 opposes the submissions made by the learned counsel for the petitioners and would submit that from the FIR as well as material collected during the investigation there is sufficient material against the petitioner that they committed offence for which charge-sheet has been filed and proceeding of criminal case is pending. By the assault made by the petitioners,



respondent-2 received injuries and there is medical report available in the charge-sheet which clearly shows that respondent-2 received injuries on her body. Though there may be some family disputes between the parties but that itself cannot be a ground to quash the criminal proceeding against the petitioners, when there are specific allegations with respect to abuse and assault to the complainant. Therefore, there is no merit in the petition and the same is liable to be dismissed.

6. We have heard the learned counsel for the parties and perused the record of the petition.

7. From perusal of the FIR, it transpires that respondent-2 alleged that on 31.05.23 when she was coming to the downstairs, present petitioners threatened her to withdraw the case filed against one Dharmendra Sidar and abused her and committed *mar peet* with her. Dharmendra Sidar is not a party in the present proceeding. It is nowhere mentioned as to why the present petitioners threatened the complainant to withdraw the case against Dharmendra Sidar. Though he may also be a member of their family but it is for him, who may have pressurized the complainant to withdraw the complaint against him. It further transpires from the documents annexed at Page no. 37 of the petition, annexure P2, P3, P4, P5, P6, and P7 that various disputes with respect to family affairs are culminated into litigation between the parties. From the document Annexure P8, it further transpires that various FIRs have also been lodged by respondent-2 and Smt.Geeta Rana Singh, who is the wife of



Raja Surendra Bahadur Singh with respect to various incidents. It further transpires from Document Ex.P12 that petitioner-2, Sidheshwari Singh is also prosecuting the application filed under Section 12 of the Protection of Women from Domestic Violence Act against Respondent 2 and thus from the entire documents annexed with the petition, it clearly reveals that there are checkered litigations between the parties for one or the other grievances.

8. In case of State of **Karnataka Vs L Muniswamy**, (1977) 2 SCC 699 Hon'ble Supreme Court has held that the court proceedings ought not to be permitted to degenerate into a weapon of harassment or persecution.

9. The Hon'ble Supreme Court in the matter of **State of Haryana and others v. Bhajan Lal and others**, 1992 Supp (1) SCC 335 laid down the principles of law relating to the exercise of extraordinary power under Article 226 of the Constitution of India to quash the first information report and it has been held that such power can be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice. In paragraph 102 of the report, their Lordships laid down the broad principles where such power under Article 226 of the Constitution/Section 482 of the CrPC/528 of BNSS should be exercised, which are as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of



decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any



offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases;



that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.”

10. The court, while exercising its jurisdiction under section 482 of the CRPC, need not restrict itself only to the stage of a case but it is empowered to take into account the overall circumstances leading to initiation of the case as well the material collected in course of investigation.

11. In case of **State of Andhra Pradesh Vs Golconda Linga Swamy**, (2004) 6 SCC 522, Hon’ble Supreme Court has held that there was elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held as under:

“5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds



that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In **R.P. Kapur v. State of Punjab**, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarized some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6) 38

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which,



on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death....." (Emphasis supplied)

12. Considering the facts of the present case overall allegations levelled against the petitioners in the charge-sheet and the material available on record in the present petition further considering that numerous litigations are pending between the parties with respect to their family affairs, and the nature of offence, we are of the considered opinion that petitioners made out a case for interference of this court in the present petition to quash the FIR as well as proceedings, as there is no sufficient ground to proceed against the petitioners with the criminal case levelled against them by respondent-2.



13. Accordingly, **petition is allowed**. The proceeding of the Criminal Case-1268 of 2023 pending before the learned Chief Judicial Magistrate, Sakti arising out of FIR-154 of 2023 registered at Police Station-Sakti, District -Sakti for the offences under sections 294, 506, 323 and 34 of the IPC and the charge-sheet 174 of 2023 dated 19.08.2023 are hereby quashed against the petitioners.

14. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice