



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRMP No. 1512 of 2026**

**1** - Amar Singh Kaushik S/o Late Rajnu Ram Kaushik Aged About 63 Years R/o Village Mahud (B) Police Station Gunderdehi District Balod C.G. Presently Residing At Aamabagicha Kundrupara Police Station And District Balod C.G.

**2** - Prashant Kaushik S/o Amar Singh Kaushik Aged About 35 Years R/o Village Mahud (B) Police Station Gunderdehi District Balod C.G. Presently Residing At Aamabagicha Kundrupara Police Station And District Balod C.G.

**3** - Kajal Kaushik W/o Prashant Kaushik Aged About 36 Years R/o Village Mahud (B) Police Station Gunderdehi District Balod C.G. Presently Residing At Aamabagicha Kundrupara Police Station And District Balod C.G.

**... Petitioners**

**versus**

**1** - State of Chhattisgarh Through- Station House Officer Police Station Balod District Balod C.G.

**2** - Parmila Kaushik W/o Amar Singh Kaushik Aged About 52 Years R/o Aamabagicha Kundrupara Police Station And District Balod C.G.

**... Respondents**

(Cause-title taken from Case Information System)

**Order Sheet**

<b>16.06.2026</b>	<p>Heard Mr. Avinash Chand Sahu, learned counsel for the petitioners as well as Ms. Vaishali Mahilong, learned Deputy Government Advocate, appearing for the State/respondent No.1.</p> <p>Learned counsel for the petitioners submits that petitioner No.1 is a retired Principal and petitioner Nos.2 and 3 are his son and daughter-in-law. Respondent No.2, who is the second wife of petitioner No.1, was residing with the petitioners in the same household and disputes arose on account of ongoing family discord. It is contended that prior to the impugned FIR, petitioner No.1 had made several complaints to the police authorities regarding the conduct of respondent No.2 and her relatives and had also lodged FIR No.01/2026 on 01.01.2026 in respect of the incident in question.</p> <p>It is submitted that the impugned FIR No.02/2026 dated 02.01.2026 has been lodged as a counterblast to the earlier FIR and is a result of the matrimonial</p>

and family dispute between the parties. It is further submitted that a plain reading of the impugned FIR does not disclose any allegation attracting Section 74 of the Bharatiya Nyaya Sanhita, 2023 and that the allegations therein are confined to verbal abuses, assault and threats.

Learned counsel submits that the allegation constituting the offence under Section 74 BNS surfaced for the first time in the subsequent statement of respondent No.2 recorded during investigation and amounts to a material improvement over the FIR. It is argued that the allegations against petitioner Nos.1 and 3 are omnibus and devoid of any specific overt act and that, in the absence of any cogent material supporting the improved allegations, continuation of the criminal proceedings would amount to abuse of the process of law, therefore, FIR, charge-sheet and consequential proceedings deserve to be quashed.

On the other hand, learned State counsel opposes the petition and submits that the

investigation has revealed sufficient material to prima facie establish the involvement of the petitioners in the alleged offences, on the basis of which charge-sheet has been filed and cognizance has been taken by the learned trial Court. It is contended that the pleas raised by the petitioners involve disputed questions of fact requiring appreciation of evidence, which cannot be examined in proceedings under Section 528 BNSS, and therefore the petition deserves to be dismissed.

In view of the above, issue notice to the respondents by ordinary as well as speed post.

Learned State counsel appears and accepts notice on behalf of respondent No.1, therefore, issuance of notice to respondent No.1, is dispensed with.

Process fee be paid as per Rules only for respondent No.2.

Two weeks' time is granted to the learned State counsel as well as respondent No.2 to file their reply-affidavits and thereafter, one week's time is granted to

the learned counsel for the petitioners to file rejoinder-affidavit.

List the matter thereafter.

Till the next date of listing, the further proceedings of Criminal Case No.1589/2026 pending before the learned Chief Judicial Magistrate, Balod (C.G.) insofar as relates to the petitioners, shall remain stayed.

**Sd/-**  
**(Ravindra Kumar Agrawal)**  
**Judge**

**Sd/-**  
**(Ramesh Sinha)**  
**Chief Justice**