



2026:CGHC:3262

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 853 of 2021

1 - Tekram Janghel S/o Mangturam Janghel Aged About 54 Years

2 - Prakash Janghel S/o Mangturam Janghel Aged About 46 Years

3 - Pratyush Janghel S/o Tekram Janghel Aged About 24 Years

All R/o Lodhipara, Jaihind Chowk, Near Raja Kirana Store, Thana Pandari District Raipur Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Police Station Pandari, District Raipur Chhattisgarh

2 - Anand Verma S/o Toranlal Verma Aged About 20 Years R/o Lodhipara, Jaihind Chowk, Near Raja Kirana Store, Thana Pandari, District Raipur Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr.Dheerendra Pandey, Advocate

For Respondent : Mr.Saumya Rai, Panel Lawyer

No.1-State

For Respondent : Mr.Pragalbha Sharma, Advocate

No.2

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

20.01.2026

1. Heard Mr.Dheerendra Pandey, learned counsel for the petitioners as well as Mr.Saumya Rai, learned Panel Lawyer appearing for respondent No.1/State and Mr.Pragalbha Sharma, learned counsel appearing for respondent No.2.

2. The petitioners have filed this petition with the following prayer:

“ A. It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to quash consequent criminal proceedings pending against petitioner in Criminal Case no.3666/2020 before the Additional Chief Judicial Magistrate, Raipur, in the interest of justice.

B. This Hon'ble Court may kindly be pleased to direct to respondent authorities for proper investigation as per on the complaint/Representation made by law petitioner.

C. To grant any other relief which may suitable in the facts and circumstances of the case may also be allowed.”

3. Brief facts are necessary for the case are that petitioner No. 1 is a practicing Advocate in the District Court, Raipur and is filing the present petition seeking quashment of the malicious prosecution initiated against the petitioners on the basis of FIR No. 153/2020, registered at Police Station Pandari, District Raipur (C.G.), for the alleged commission of offences under Sections 294, 506, 323 read with 34 of the Indian Penal Code. According to the prosecution case, on 26.09.2020 at about 11:00 p.m., the victim namely *Sumit* was talking on the phone while holding the board of a shop. At that time, wife of petitioner No. 2 came there and asked

the victim to leave the board, whereupon she allegedly started abusing him. It is further alleged that when the complainant intervened and asked the victim to go home, all the petitioners allegedly assaulted the victim with hands and fists in front of Raja Kirana Shop. It is further alleged that on the next day, i.e., 27.09.2020 at about 05:30 a.m., all the petitioners went to the house of the complainant, threatened him not to associate with Sumit, and also assaulted him.

4. The the petitioners had lodged a report regarding the said incident on 27.09.2020 at 08:35 a.m., stating therein that on 26.09.2020 at about 11:30 p.m., the victim along with his friends came in front of the petitioners' house and attempted to uproot the signboard. When the wife of petitioner No. 2 objected, they started abusing, assaulting the petitioners, and threatening them with dire consequences. It was further reported that during the intervening night of 26.09.2020 and 27.09.2020 at about 12:30 a.m., the victim and the complainant again came to the premises and started throwing stones at the shop and house of the petitioners. Consequently, the petitioners lodged a complaint against both the complainant and victim Sumit. However, the police registered FIR only against Sumit and other minor co-accused, and no FIR was registered against the complainant. Thereafter, statements of the petitioners under Section 161 Cr.P.C. were recorded, wherein it was clearly stated that the complainant and his friends were throwing stones at the CCTV cameras installed at the petitioners'

shop and had assaulted the petitioners and their family members. It was also stated that the complainant had forcibly entered the house of petitioner No. 1.

5. On 29.07.2020, the residents of the society where the petitioners reside jointly submitted a written complaint to the Councillor of Ward No. 12, Nagar Nigam, Raipur, requesting installation of CCTV cameras in the society to monitor antisocial and mischievous elements disturbing public peace. A similar complaint was also submitted to the Station House Officer, Police Station Pandari, Raipur. On 02.12.2020, petitioner No. 3 submitted a written representation to the Superintendent of Police, District Raipur (C.G.), stating that the petitioners had been falsely implicated in the present case as a counterblast to the FIR lodged by them against the associates of the complainant, and requested a fair and impartial investigation. Pursuant to the representation dated 02.12.2020, the petitioners were summoned by the office of Police Station Civil Lines to appear on 09.12.2020 for recording their statements. Thereafter, upon the request of the petitioners for investigation by an officer not below the rank of Deputy Superintendent of Police, the matter was investigated afresh. During the investigation, the statements of the petitioners were recorded and a DVD containing CCTV footage of the incident was submitted. The footage clearly depicts the complainant entering the house of petitioner No. 1 and being pushed by a police officer on his hip. It is also seen that when the police patrolling vehicle

arrived, the complainant was coming out of the house of Bhagela Sen. Further, the victim Sumit Pal along with Tushar Das Manikpuri, Shivbu Nilmalkar, and other associates were seen conspiring together. The footage also shows victim Sumit Pal and Utesh Oriya assaulting the petitioners, while one Jatin Pawar was seen roaming in an intoxicated condition holding a stick. The petitioners further submit that the complainant and his associates are habitual offenders and are involved in several criminal cases, including Crime Nos. 296/2019, 36/2020, 118/2020, and 479/2018, all registered at Police Station Pandari, Raipur. The petitioners are left with no other efficacious remedy except to approach this Court seeking quashment of the FIR and subsequent proceedings, as the petitioners have been falsely and maliciously implicated in the present case.

6. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. They have not committed any offence as alleged in the prosecution story. The petitioners have no criminal antecedents and belong to a reputed and educated family. Hence, the entire prosecution is false, fabricated, and malicious. Learned counsel further submits that the petitioners had submitted representations seeking a fair and impartial investigation, as they have been falsely implicated as a counterblast to FIR No. 152/2020, which was lodged by the petitioners against the friend of Respondent No. 2, who is the victim in the present FIR. It is further submitted

that on 29.07.2020, the residents of the society in which the petitioners reside collectively submitted written complaints to the Councillor of Ward No. 12, Nagar Nigam, Raipur, as well as to the Station House Officer, Police Station Pandari, Raipur, requesting installation of CCTV cameras to curb the activities of miscreants creating disturbance in the residential locality. Learned counsel submits that on 02.12.2020, the petitioners submitted a representation to the Superintendent of Police, District Raipur (C.G.), stating that they had been falsely implicated as a counterblast to the FIR lodged by them and requested that the investigation be conducted by an officer not below the rank of Deputy Superintendent of Police. Pursuant thereto, further investigation was conducted by the police. It is submitted that the complainant and his associates are politically influential persons and habitual offenders, against whom several criminal cases are registered at Police Station Pandari, including Crime Nos. 296/2019, 36/2020, 118/2020, 479/2018, and 152/2021. Learned counsel submits that the petitioners are not involved in the alleged incident in any manner whatsoever, and solely on the basis of conjectures, surmises, and suspicion, they have been arrayed as accused in the present case. It is further submitted that the petitioners have been falsely implicated on the basis of imaginary allegations and a complete misapplication of legal provisions. There is no material on record to substantiate the allegation that the petitioners committed any offence as alleged. Learned

counsel submits that respondent No. 2 has lodged a false complaint against the petitioners with an ulterior motive to pressurize and coerce them into withdrawing the cases registered against his father and other associates. The petitioner, being a woman, had also made several complaints against the complainant party, which led to the present false implication. It is further submitted that pursuant to the petitioners' representation dated 02.12.2020, a detailed investigation was conducted, during which statements of the petitioners were recorded and a DVD containing CCTV footage was submitted. The footage clearly shows that the complainant had entered the house of Petitioner No. 2. It also depicts a police officer pushing the complainant on his hip and shows that upon arrival of the police patrolling vehicle, the complainant was coming out of the house of Bhagela Sen. The footage further reveals that the victim Sumit Pal, along with Tushar Das Manikpuri, Shivbu Nilmalkar, and two other persons, were conspiring together. It also shows that Sumit Pal and Utesh Oriya were assaulting the petitioners, while Jatin Pawar was seen roaming in an intoxicated condition holding a stick. Learned counsel submits that the respondent-State authorities, without conducting a proper and fair investigation into the incident dated 27.09.2020, mechanically registered the FIR against the petitioners under external influence. The action of the respondents is vindictive, and even on the face of the complaint, no offence is made out against the petitioners. It is further

submitted that the petitioners never went to the house of the complainant nor assaulted him in any manner. The allegations levelled against the petitioners are false, baseless, and motivated. Learned counsel submits that mere bald allegations, which do not disclose the essential ingredients of any cognizable offence, cannot be permitted to jeopardize the life and personal liberty of the petitioners. It is lastly submitted that there is no evidence on record to establish the commission of any offence by the petitioners. Continuation of the criminal proceedings would amount to abuse of the process of law and deserves to be quashed in the interest of justice.

7. On the other hand, learned Panel Lawyer appearing for respondent No.1 and learned counsel appearing for respondent No.2 oppose the submissions made by learned counsel for the petitioners.
8. We have heard learned counsel for the parties and perused the documents appended with these petitions.
9. The 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 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 Supreme Court in the matter of **Manoj Kumar Sharma and**

others v. State of Chhattisgarh and others, (2016) 9 SCC 1

held as under:-

“35. While discussing the scope and ambit of Section 482 of the Code, a similar view has been taken by a Division Bench of this Court in *Rajiv Thapar and others vs. Madan Kal Kapoor* (2013) 3 SCC 330 wherein it was held as under:-

“29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 CrPC, if it chooses to quash the initiation of the prosecution against an accused at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 CrPC, at the stages referred to hereinabove, would have far-reaching consequences inasmuch as it would negate the prosecution's/complainant's case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 CrPC the High Court has to be fully satisfied that the material produced by the accused is such that would lead to the conclusion that his/their defence is based on sound,

reasonable, and indubitable facts; the material produced is such as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 CrPC to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5 If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arisingt

therefrom) specially when it is clear that the same would not conclude in the conviction of the accused.”

11. In the matter of **Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673**, the Supreme Court recognized that although the inherent powers of a High Court under Section 482 of the Code of Criminal Procedure should be exercised sparingly, yet the High Court must not hesitate in quashing such criminal proceedings which are essentially of a civil nature. It was held as under:

“12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court.”

(emphasis supplied)

12. Relying upon the decision in **Paramjeet Batra** (supra), the Supreme Court in **Randheer Singh v. State of U.P., (2021) 14**

SCC 626, observed that criminal proceedings cannot be taken recourse to as a weapon of harassment. In **Usha Chakraborty & Anr. v. State of West Bengal & Anr., 2023 SCC OnLine SC 90**, relying upon **Paramjeet Batra** (supra) it was again held that where a dispute which is essentially of a civil nature, is given a cloak of a criminal offence, then such disputes can be quashed, by exercising the inherent powers under Section 482 of the Code of Criminal Procedure.

13. Having heard learned counsel for the parties and having perused the record, this Court finds that the dispute between the parties arises out of the same incident and has resulted in case and counter case being registered against each other. FIR No. 152/2020 was lodged by the petitioners prior in point of time, whereas FIR No. 153/2020 has been lodged by respondent No. 2 as a counterblast thereto.
14. From a careful scrutiny of the material placed on record, it is evident that the allegations levelled in FIR No. 153/2020 are general and omnibus in nature and do not disclose the specific role attributed to each of the petitioners. Even if the allegations contained in the FIR are taken at their face value and accepted in their entirety, the same do not prima facie constitute the offences alleged against the petitioners.
15. This Court notes that the complainant and his associates are stated to be involved in several criminal cases registered at Police

Station Pandari, Raipur, whereas the petitioners have no criminal antecedents. The background facts, coupled with the existence of a prior FIR lodged by the petitioners, clearly indicate that the present FIR has been lodged with mala fide intention and ulterior motive, falling squarely within Category (7) of paragraph 102 of **Bhajan Lal** (supra).

16. The allegations made in the impugned FIR, when tested on the anvil of the principles laid down by the Supreme Court in **Bhajan Lal** (supra) and **Manoj Kumar Sharma** (supra), do not satisfy the essential ingredients of the offences alleged. Allowing the criminal proceedings to continue would amount to abuse of the process of law and would cause unnecessary harassment to the petitioners.
17. This Court is conscious of the settled legal position that the power under Section 482 Cr.P.C. is to be exercised sparingly and with circumspection. However, where the material on record clearly demonstrates that the criminal proceedings are manifestly attended with mala fides, and the allegations are inherently improbable and motivated, the High Court would be failing in its duty if it does not intervene to secure the ends of justice.
18. In the considered opinion of this Court, the present case is a fit case for exercise of inherent powers under Section 482 of the Code of Criminal Procedure, as continuation of the proceedings would serve no useful purpose and would only result in miscarriage of justice.

19. Consequently, FIR No. 153/2020, registered at Police Station Pandari, District Raipur for offences punishable under Sections 294, 506, 323 read with 34 of the Indian Penal Code, and all consequential criminal proceedings arising therefrom, including Criminal Case No. 3666/2020 pending before the Additional Chief Judicial Magistrate, Raipur, are hereby quashed.

20. The petition under Section 482 CrPC is **allowed** to the extent indicated hereinabove.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice