



2026:CGHC:23528-DB



2026:CGHC:23528-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 298 of 2026**

1. Shriram Singh Thakur S/o Late Baldau Singh Thakur, Aged About 59 Years Occupation Clerk Seva Sahakari Samiti Maryadit Nirjam (Regd. No. 1084), R/o Padaw Chowk Mungeli, Police Station Tahsil And District - Mungeli (C.G.) Mo. No. 9926728726
2. Ramswaroop Sahu S/o Late Shri Udasiram Sahu, Aged About 42 Years Occupation Data Entry Operator, Seva Sahakari Samiti Maryadit Nirjam (Regd. No. 1084) R/o Lalakapa, Police Station, Tahsil And District- Mungeli (C.G.) Mo. No. 7974386724

... Petitioner(s)**versus**

1. State of Chhattisgarh Through Secretary, Home (Police) Department Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Kewli, Tahsil , District- Raipur (C.G.)
2. Superintendent of Police Mungeli, District- Mungeli (C.G.)
3. Station House Officer, Police Station Mungeli, District- Mungeli (C.G.)
4. Devendra Dewangan S/o Chhedilal Dewangan Aged About 36 Years Branch Manager, Zila Sahakari Kendriya Bank Maryadit Mungeli, District- Mungeli (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)



For Petitioners	:	Mr. Ratnesh Kumar Agrawal, Advocate.
For Respondents/State	:	Mr. Priyank Rathi, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

02.06.2026

1. Heard Mr. Ratnesh Kumar Agrawal, learned counsel for the petitioners as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents No. 1 to 3.
2. Also heard on I.A. No. 3 of 2026, application for hearing the case during summer vacation.
3. The present petition has been filed by the petitioners with the following prayers:

"10.1 That, this Hon'ble Court may kindly be pleased to call for entire records of the case, from the respondent authorities.

10.2 That, this Hon'ble Court may kindly be pleased to quash the First Information Report No. 37 of 2026 dated 20.01.2026 registered by respondent No. 3 (Annexure-P/1) and further be pleased to quash the subsequent proceeding or criminal case which will arise from above said crime number, is in the interest of justice.



10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

4. Learned counsel for the petitioners submits that petitioner No.1 was working as Clerk-cum-Incharge of the Paddy Procurement Centre, Nirjam, and petitioner No. 2 was working as Data Entry Operator at the said Paddy Procurement Centre during the Kharif Marketing Year 2025-2026. The said procurement centre was functioning under the control and supervision of Seva Sahakari Samiti Maryadit, Nirjam, District Mungeli (C.G.). The petitioners were discharging their duties strictly in accordance with the instructions, policies and guidelines issued by the competent authorities and had no independent authority beyond the scope of their official responsibilities. He further submits that on the basis of an alert generated in the office of the Registrar, Co-operative Societies, Raipur, the competent authorities conducted an enquiry regarding the functioning of the concerned Paddy Procurement Centre. Pursuant thereto, an enquiry report dated 13.01.2026 was prepared. A bare perusal of the enquiry report reveals that the allegations, if any, are confined to the conduct of the transporter who allegedly lifted paddy stock from the procurement centre through vehicles not equipped with GPS devices and transported the stock in excess of the prescribed loading capacity. Significantly, the enquiry report does not record any finding regarding misappropriation, fraudulent conduct, wrongful gain, dishonest intention, shortage of stock, or active involvement of the petitioners in the alleged irregularities.



5. It is further contended by the learned counsel, appearing for the petitioners that solely on the basis of the aforesaid enquiry report, respondent No. 4 registered First Information Report No.37/2026 dated 20.01.2026 against the petitioners for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. It is submitted that during the Kharif Marketing Year 2025-2026, a total quantity of 63,529.60 quintals of paddy was procured through the concerned procurement centre and the entire stock was duly lifted from the procurement centre. There is neither any allegation nor any material indicating shortage of stock, diversion of paddy, embezzlement, wrongful gain to the petitioners, or wrongful loss to the Government. The registration of the impugned FIR is thus based merely on presumptions and conjectures without any substantive material connecting the petitioners with the alleged offence. He further submitted that after registration of the impugned FIR, the petitioners fully cooperated with the investigation and made themselves available before the investigating authorities whenever required. It is submitted that the petitioners were not subjected to custodial arrest and were released on bail from the Police Station itself. The fact that the investigating agency did not consider it necessary to arrest the petitioners and permitted their release on bail clearly demonstrates that custodial interrogation of the petitioners was never required and that the investigating agency itself did not find any material warranting their detention. This circumstance substantially weakens the prosecution case and supports the contention that the allegations levelled against



the petitioners are unfounded and unsupported by any cogent evidence.

6. Learned counsel for the petitioners further submits that immediately after registration of the impugned FIR, the petitioners fully cooperated with the investigating agency and appeared before the concerned police authorities whenever required. It is submitted that the petitioners were not arrested during the course of investigation and were released on bail from the Police Station itself in accordance with law. The very fact that the investigating agency found it appropriate to release the petitioners on bail without effecting their custodial arrest clearly demonstrates that their custodial interrogation was never considered necessary and that no material existed indicating any active involvement of the petitioners in the alleged offence. The action of the investigating agency is also consistent with the principles laid down by the Hon'ble Supreme Court in **Satender Kumar Antil v. Central Bureau of Investigation & Another, (2022) 10 SCC 51**, wherein the Hon'ble Apex Court emphasized that arrest is not to be made routinely and that liberty of an accused deserves protection where custodial interrogation is not warranted. The aforesaid circumstance further fortifies the petitioners' contention that the allegations against them are unfounded and that continuation of the criminal proceedings would amount to abuse of the process of law.

7. Learned counsel for the petitioners further stated that even if the entire contents of the enquiry report and the allegations contained in the FIR are accepted as true for the sake of argument, the essential



ingredients constituting the offence under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 are conspicuously absent. The allegations are directed against the transporter with respect to transportation of paddy through vehicles allegedly not fitted with GPS devices and carrying excess load. No allegation whatsoever has been made that the petitioners deceived any authority, dishonestly induced any person, obtained any wrongful benefit, or participated in any fraudulent activity.

8. It is further submitted by the learned counsel for the petitioners that the petitioners were merely discharging their official duties at the procurement centre and had no control over the operational acts of the transporter after the paddy stock was lifted from the procurement centre. The alleged acts attributed to the transporter cannot, by any stretch of imagination, be fastened upon the petitioners in the absence of any specific allegation, overt act, mens rea, dishonest intention, conspiracy, or incriminating material establishing their involvement. Criminal liability cannot be imposed merely on account of the official position held by the petitioners. He further contended that the impugned FIR has been registered in a wholly arbitrary and mechanical manner without examining whether the allegations disclose the commission of any cognizable offence by the petitioners. The enquiry report itself does not attribute any act of cheating, fraud, misappropriation, criminal breach of trust, or wrongful gain to the petitioners. Despite the absence of such foundational facts, the respondent authorities proceeded to register the FIR against the petitioners, thereby subjecting them to



unwarranted criminal prosecution.

9. It is further stated by the learned counsel, appearing for the petitioners that the law is well settled that where the allegations contained in the FIR, even if taken at their face value and accepted in their entirety, do not disclose the commission of any offence against the accused, the High Court is empowered to exercise its extraordinary and inherent jurisdiction to quash such proceedings in order to prevent abuse of the process of law. In the present case, the allegations contained in the FIR and the enquiry report, even if accepted in their entirety, do not disclose the essential ingredients of the offence alleged against the petitioners, and therefore, continuation of the criminal proceedings would be wholly unjustified. Thus, the impugned FIR, therefore, deserves to be quashed by this Hon'ble Court in the interest of justice.

10. *Per contra*, learned State counsel opposes the petition and submits that the impugned FIR has been registered on the basis of a duly conducted enquiry by a four-member committee constituted by the competent authorities. It is submitted that the enquiry report dated 13.01.2026 discloses serious irregularities in the transportation and handling of paddy at Paddy Procurement Centre, Nirjam. The enquiry committee found that paddy was transported through vehicles not equipped with GPS devices and that in several instances the transportation was carried out in excess of the permissible loading capacity, contrary to the Paddy Procurement Policy and Government



guidelines. Learned State counsel further submits that alerts were generated in 22 cases relating to overloading of vehicles and the enquiry report records an apprehension regarding recycling of paddy in collusion with the miller, resulting in financial loss to the Government. It is contended that petitioner No.1, being the Paddy Procurement In-charge, and petitioner No.2, being the Data Entry Operator, were directly associated with the operation of the procurement centre and their role in facilitating transportation of paddy through unauthorized vehicles has been specifically noticed during the enquiry. It is further submitted that the explanations sought from the petitioners regarding the detected irregularities were found unsatisfactory. Therefore, the FIR discloses cognizable offences requiring a full-fledged investigation. Learned State counsel further submits that the investigation is still in progress and the precise role of the petitioners and other concerned persons can only be ascertained after collection of evidence. At this stage, the Court ought not to examine disputed questions of fact or evaluate the defence put forth by the petitioners. It is, therefore, prayed that the petition deserves to be dismissed.

11. We have considered the rival submissions and perused the material available on record, including the impugned FIR.

12. A perusal of the impugned FIR reveals that the complainant, being the Branch Manager of District Central Cooperative Bank, Mungeli Branch, submitted a written complaint seeking registration of an FIR against petitioner No.1, Shri Ram Singh Thakur, Paddy Procurement In-



charge, and petitioner No.2, Shri Ramswaroop Sahu, Computer Operator, of Paddy Procurement Centre Nirjam. The complaint is based upon an enquiry conducted by a four-member committee on 13.01.2026 regarding irregularities in the operation of the said procurement centre.

13. The enquiry report records that alerts were generated in 22 cases relating to overloading of vehicles ranging from 209.42% to 384.84% and that there was an apprehension of recycling of paddy in collusion with the miller, resulting in financial loss to the Government. It was further reported that paddy had been transported through vehicles not equipped with GPS devices, contrary to the prescribed guidelines and Paddy Procurement Policy for the year 2025-26.

14. According to the complaint, petitioner No.1 admitted during the enquiry that paddy was dispatched not only through authorized GPS-enabled vehicles but also through vehicles not fitted with GPS devices. The enquiry report further indicated that in approximately 22 instances paddy was transported through unauthorized vehicles and by overloading vehicles beyond the permissible limits. The report concluded that the petitioners had facilitated transportation of paddy in violation of the prescribed rules and Government directions.

15. The complaint further states that explanations regarding various irregularities and discrepancies were sought from the petitioners; however, no satisfactory response was submitted. On the basis of the findings recorded in the enquiry report and the directions received from the higher authorities, the complainant requested registration of an FIR



and initiation of legal action against the petitioners for the alleged irregularities committed in the transportation and handling of paddy at Procurement Centre Nirjam.

16. It is well settled that the power of the High Court to quash criminal proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') (earlier Section 482 of the Cr.P.C.) is extraordinary in nature and is to be exercised sparingly, with great caution, and only in cases where the allegations do not disclose any cognizable offence or where continuation of proceedings would amount to abuse of the process of law.

17. The principles governing the exercise of such jurisdiction have been laid down by the Hon'ble Supreme Court in a catena of decisions, including ***State of Haryana v. Bhajan Lal, AIR 1992 SC 604; Rupan Deol Bajaj v. K.P.S. Gill, (1995) 6 SCC 194; Rajesh Bajaj v. State NCT of Delhi, (1999) 3 SCC 259; Medchl Chemicals & Pharma Pvt. Ltd. v. Biological E. Ltd., (2000) 3 SCC 269; State of Orissa v. Saroj Kumar Sahoo, (2005) 13 SCC 540; and Neharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315***, wherein it has been consistently held that at the stage of quashing, the Court should not embark upon an enquiry into the reliability or genuineness of the allegations or enter into disputed questions of fact.

18. In the present case, the FIR and the material forming the basis thereof cannot be said to be devoid of allegations against the petitioners. The enquiry report specifically records that paddy was



transported through vehicles not fitted with GPS devices and that transportation was carried out in excess of the permissible loading limits in several instances. The enquiry committee further recorded that alerts were generated in multiple cases of overloading and expressed apprehension regarding recycling of paddy resulting in loss to the Government. The report also notes that petitioner No.1 admitted that paddy was dispatched not only through authorized GPS-enabled vehicles but also through vehicles not fitted with GPS devices. The enquiry further attributes facilitation of such transportation to the petitioners and records that their explanations regarding the detected irregularities were not found satisfactory. These allegations, when taken at their face value, cannot be said to be inherently absurd or wholly improbable.

19. The principal contention of the petitioners is that there was no shortage of paddy stock, no misappropriation, no wrongful gain to the petitioners, and no wrongful loss to the Government, and that the alleged irregularities are attributable solely to the transporter. However, these submissions essentially constitute a defence which requires appreciation of evidence and examination of factual aspects that are yet to be investigated. Whether the petitioners had any role in permitting transportation through unauthorized vehicles, whether they acted in violation of the prescribed policy and guidelines, whether any financial loss was caused to the Government, and whether the petitioners acted in connivance with any other person, are all matters which can only be determined upon completion of investigation and, if necessary, during



trial. Such disputed questions of fact cannot be adjudicated while exercising jurisdiction under Section 528 of the BNSS.

20. The submission that the petitioners were not arrested during investigation and were released on bail from the Police Station also does not advance their case for quashing of the FIR. The issue whether custodial interrogation is necessary is entirely distinct from the issue whether the allegations disclose the commission of a cognizable offence. Merely because the investigating agency did not consider it necessary to arrest the petitioners cannot lead to the conclusion that no offence is disclosed or that the criminal proceedings deserve to be terminated at the threshold.

21. It is also significant that the investigation is still in progress and the precise role of each person involved has not yet been conclusively determined. At this stage, the Court is required to proceed on the basis of the allegations contained in the FIR and the accompanying material without undertaking a meticulous examination of their evidentiary value. The material placed on record prima facie indicates violation of the prescribed procurement and transportation norms and provides a sufficient foundation for a lawful investigation. This Court cannot, at this stage, record findings regarding the innocence of the petitioners or accept their defence in preference to the allegations made in the FIR.

22. Having considered the allegations contained in the FIR, the findings recorded in the enquiry report, and the settled principles governing exercise of inherent jurisdiction, this Court is of the



considered opinion that the allegations, when accepted at their face value, disclose prima facie material warranting investigation and do not fall within any of the categories enumerated in Bhajan Lal (supra) justifying quashment of criminal proceedings. The case does not appear to be one where the allegations are so absurd, inherently improbable, or legally untenable that continuation of the proceedings would amount to abuse of the process of law.

23. Accordingly, no case is made out for exercise of inherent jurisdiction under Section 528 of the BNSS for quashing the impugned FIR or the consequential proceedings arising therefrom. The petition, being devoid of merit, deserves to be and is hereby dismissed.

24. Consequently, the present petition stands **dismissed**. However, the concerned Investigating Officer shall proceed with the investigation strictly in accordance with law and, upon completion thereof, submit the final police report under Section 173(2) of the Cr.P.C. (now corresponding to Section 193(3) of the BNSS) before the competent Court in accordance with law.

25. I.A. No.3 of 2026, an application seeking urgent hearing of the matter during summer vacation, also stands **disposed of**. All other pending interlocutory applications, if any, shall also stand **disposed of** accordingly.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice