



2026:CGHC:27884-DB



CGHC010216122026



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1736 of 2026**

Ghanshyam Mahilane S/o Alakh Ram Mahilane Aged About 47 Years
R/o Village Miriguda, Thana And Tahsil Dharamjaigarh District- Raigarh
(C.G.)

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

1. State of Chhattisgarh Through Superintendent of Police Raigarh District- Raigarh (C.G.)
2. Station Hous Officer, Police Station Dharamjaigarh District- Raigarh (C.G.)
3. Admon Khes Head Constable Police Station Dharamjaigarh District- Raigarh (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Vikas Kumar Pandey, Advocate.
For Respondent/State	:	Mr. S.S. Baghel, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****07.07.2026**

1. Heard Mr. Vikas Kumar Pandey, learned counsel for the petitioner.

Also heard Mr. S.S. Baghel, learned Government Advocate, appearing
for the State.



2. The present petition has been filed by the petitioner with the following prayer:

“It is therefore prayed that, this Hon’ble Court may kindly be pleased to allow this instant petition and quash the order taking cognizance dated 24.02.2026 passed in Session Case No. 22 of 2026, passed by learned Upper Session Judge, Gharghoda, District Raigarh (C.G.), the charge-sheet bearing No. 330 of 2025 dated 28.12.2025 and the FIR bearing No. 282 of 2025 dated 30.10.2025 lodged by the Police Station Dharamjaigarh, District Raigarh (C.G.) for commission of offence punishable under Section 105, 3(5) of BNS and Section 199A, 184, 3/181, 4/181 of Motor Vehicle Act and all consequential proceedings, in the interest of justice.”

3. Learned counsel for the petitioner respectfully submits that on the unfortunate day of 30.10.2025, a road accident occurred near Chala Turn, Khamhar, in which three persons, namely one female and two males, lost their lives. Upon receiving the information, Merg No.120/2025 was registered and, thereafter, Crime No.282/2025 came to be registered alleging that the accident was caused by Car No. CG-13-BE-1285, which was allegedly being driven by the petitioner's minor daughter in a rash and negligent manner. On the said allegation, the petitioner, being the father of the minor girl, was implicated in the case. He further submits that the petitioner is neither the driver nor the registered owner of the aforesaid vehicle. Despite the same, the investigating agency mechanically implicated the petitioner solely on the ground that he is the father of the minor girl, without collecting any



legally admissible material to establish his criminal liability.

4. It is further contended by the learned counsel for the petitioner that the investigation has been conducted in a hasty, arbitrary and unfair manner. Without carrying out a proper and impartial investigation, the police filed the charge-sheet on 28.12.2025 against the petitioner for the alleged commission of offences punishable under Section 105 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 199A, 184, 3/181 and 4/181 of the Motor Vehicles Act. He would submit that, in fact, the vehicle in question was not being driven by the petitioner's minor daughter at the time of the accident. The vehicle was being driven by one Abhishek Bhaskar, a major, which is evident from the CCTV footage obtained from a nearby restaurant. The CCTV footage clearly depicts that the petitioner's minor daughter was occupying the front passenger seat and was not driving the vehicle at the relevant point of time.

5. Learned counsel for the petitioner further stated that after obtaining the CCTV footage, the petitioner got the same examined through forensic analysis and submitted a detailed representation before the competent police authorities requesting a fair and impartial investigation. However, despite placing the relevant material before the authorities, no effective steps were taken and the investigating agency failed to consider the material demonstrating that the minor daughter of the petitioner was not driving the vehicle. He further submits that without considering the aforesaid material and without proper application of



mind, the learned Upper Sessions Judge, Gharghoda, District Raigarh, by order dated 24.02.2026, took cognizance against the petitioner for the offences punishable under Section 105 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 199A, 184, 3/181 and 4/181 of the Motor Vehicles Act.

6. It is submitted by learned counsel, appearing for the petitioner that the continuation of the criminal proceedings against the petitioner is wholly illegal, arbitrary and amounts to abuse of the process of law. Even if the allegations contained in the FIR and the charge-sheet are accepted at their face value, no offence is made out against the petitioner. The prosecution has failed to collect any material establishing the petitioner's involvement or attracting vicarious criminal liability against him. He also contended that the petitioner has been falsely implicated due to a defective and one-sided investigation. The material collected by the petitioner, particularly the CCTV footage and its forensic examination, completely demolishes the prosecution's allegation that the petitioner's minor daughter was driving the offending vehicle. The investigating agency ignored such crucial evidence and proceeded to prosecute the petitioner without any lawful basis. He further stated that the petitioner is a Government servant and the continuation of the criminal proceedings, despite the absence of any prima facie material against him, would cause irreparable prejudice to his service career, reputation and livelihood.

7. In the aforesaid facts and circumstances, it is respectfully



submitted that the impugned order dated 24.02.2026 taking cognizance against the petitioner, along with the consequential criminal proceedings arising out of Crime No.282/2025, deserve to be quashed in the interest of justice.

8. *Per contra*, learned State counsel vehemently opposed the petition and submitted that the FIR was registered on the basis of the merg inquiry conducted after the unfortunate accident in which three persons lost their lives. It is submitted that the matter was thoroughly investigated and, during the course of investigation, statements of witnesses were recorded, the scene of occurrence was inspected, documentary evidence was collected and other relevant materials were examined. On the basis of the material collected during investigation, it was found that the offending vehicle bearing Registration No. CG-13-BE-1285 was being driven by the petitioner's minor daughter and that the petitioner, despite having knowledge that she was a minor, had handed over the keys of the vehicle and permitted her to drive, thereby attracting the provisions of Section 105 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 199A, 184, 3/181 and 4/181 of the Motor Vehicles Act. It is further submitted that, after completion of the investigation, the charge-sheet was filed and the learned trial Court, upon consideration of the material available on record, rightly took cognizance of the offences. The CCTV footage and forensic report relied upon by the petitioner constitute his defence and their admissibility, authenticity and evidentiary value can only be examined during the course of trial. It is, therefore, contended that the



present petition raises disputed questions of fact, which cannot be adjudicated in exercise of the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), and, therefore, the petition deserves to be dismissed.

9. We have heard learned counsel for the parties and perused the material available on record.

10. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if 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, the FIR or the charge-sheet may be quashed in exercise of powers under Article 226 or inherent powers under Section 482 of the Cr.P.C. (now Section 528 of the BNSS).

11. The Hon'ble Supreme Court in the matters of ***Rupan Deol Bajaj v. K.P.S. Gill*** reported in ***(1995) SCC (Cri) 1059***, ***Rajesh Bajaj v. State of NCT of Delhi*** reported in ***(1999) 3 SCC 259*** and ***Medchl Chemicals & Pharma (P) Ltd. v. Biological E Ltd. & Ors*** reported in ***2000 SCC (Cri) 615***, the Supreme Court clearly held that if a prima facie case is made out disclosing the ingredients of the offence, Court should not quash the complaint. However, it was held that if the allegations do not constitute any offence as alleged and appear to be patently absurd and



improbable, Court should not hesitate to quash the complaint. The note of caution was reiterated that while considering such petitions the Courts should be very circumspect, conscious and careful. Thus, there is no controversy about the legal proposition that in case a prima facie case is made out, the FIR or the proceedings in consequence thereof cannot be quashed.

12. In *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315*, the Hon'ble Supreme Court has authoritatively settled the scope of the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the BNSS). The Hon'ble Apex Court has held that the power to quash criminal proceedings is required to be exercised sparingly, with circumspection and only in the rarest of rare cases. It has been categorically observed that while considering a prayer for quashing an FIR or criminal proceedings, the High Court cannot embark upon an enquiry into the reliability, genuineness or otherwise of the allegations contained in the FIR, nor can it appreciate the evidence or conduct a mini trial. The Court is only required to examine whether the allegations, if taken at their face value, disclose the commission of a cognizable offence. The Supreme Court further emphasized that criminal proceedings ought not to be scuttled at the threshold, that investigation into cognizable offences should ordinarily be permitted to proceed unhindered, and that the extraordinary jurisdiction under Section 482 Cr.P.C. must be exercised with great caution and self-restraint, save in exceptional cases where non-interference would result



in manifest miscarriage of justice.

13. Very recently, in ***Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another (Criminal Appeal No. 3831 of 2025, decided on 02.09.2025)***, the Hon'ble Supreme Court reiterated the aforesaid principles and further held that while exercising jurisdiction under Section 482 Cr.P.C. (now Section 528 of the BNSS), the High Court cannot adjudicate disputed questions of fact or evaluate the evidentiary worth of the material collected during investigation. The Court reaffirmed the test laid down in *Rajiv Thapar v. Madan Lal Kapoor* and observed that criminal proceedings can be quashed at the threshold only when the material relied upon by the accused is of sterling and impeccable quality, completely demolishes the prosecution case, remains incapable of being refuted by the prosecution, and continuation of the criminal proceedings would amount to an abuse of the process of Court. Unless all these parameters are cumulatively satisfied, the High Court ought not to interfere in exercise of its inherent jurisdiction, leaving the parties to establish their respective cases before the trial Court in accordance with law.

14. A perusal of the charge-sheet reveals that the prosecution case is that on 30.10.2025, a fatal road accident occurred near Chalahamod, Khamhar, on Kapu Road, resulting in the death of three persons. During the merg inquiry, it was found that the accident had allegedly been caused by Car No. CG-13-BE-1285. During investigation, the police concluded that the vehicle was being driven by the petitioner's minor



daughter in a rash and negligent manner and that the petitioner, despite being aware that she was a minor, had handed over the keys of the vehicle and permitted her to drive. The charge-sheet further records that such conclusion has been arrived at on the basis of witness statements, circumstantial evidence and viral video collected during investigation. Upon completion of the investigation and scrutiny of the case diary by the Deputy Director, Prosecution, the charge-sheet was filed against the petitioner under Section 105 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 199A, 184, 3/181 and 4/181 of the Motor Vehicles Act, whereas a separate charge-sheet was filed against the child in conflict with law before the Juvenile Justice Board.

15. Thus, from a plain reading of the charge-sheet, it is evident that the prosecution has attributed a specific role to the petitioner, namely, that despite having knowledge that his daughter was a minor, he knowingly entrusted the offending vehicle to her by handing over its keys, resulting in the commission of the alleged offences. The charge-sheet is not founded merely upon suspicion but refers to the statements of witnesses and other material collected during investigation. At this stage, this Court is only required to examine whether the allegations contained in the FIR and the charge-sheet, if taken at their face value, disclose the commission of the alleged offences. This Court is not expected to appreciate the evidence or determine its correctness while exercising jurisdiction under Section 528 of the BNSS.

16. The principal contention of the petitioner is that the offending



vehicle was in fact being driven by one Abhishek Bhaskar and not by his minor daughter and that the CCTV footage and its forensic examination establish the said fact. However, such a plea constitutes the defence of the petitioner. Whether the CCTV footage is genuine, whether the forensic report supports the petitioner's case and whether the prosecution version is liable to be rejected on that basis are disputed questions of fact requiring appreciation of evidence. Such issues can only be adjudicated by the learned trial Court after the parties adduce their respective evidence and cannot be examined in a petition seeking quashing of criminal proceedings.

17. Likewise, the submission that the petitioner is neither the driver nor the registered owner of the offending vehicle also cannot be accepted as a ground for quashing the proceedings. The prosecution case against the petitioner is not that he himself was driving the vehicle but that he knowingly permitted his minor daughter to drive the vehicle by handing over its keys. Whether the prosecution ultimately succeeds in proving the said allegation is a matter to be decided during trial.

18. Having regard to the allegations contained in the FIR and the material reflected in the charge-sheet, this Court is satisfied that the investigating agency has collected material which prima facie discloses the commission of the offences alleged against the petitioner. The defence sought to be projected by the petitioner cannot be adjudicated in proceedings under Section 528 of the BNSS. Entertaining such a defence at this stage would amount to conducting a mini trial, which is



impermissible in view of the law laid down by the Hon'ble Supreme Court in the decisions referred to hereinabove.

19. In the considered opinion of this Court, the allegations contained in the FIR, read along with the material collected during investigation and incorporated in the charge-sheet, cannot be said to be so absurd or inherently improbable as to warrant exercise of the inherent jurisdiction of this Court. The charge-sheet discloses a prima facie case against the petitioner and the learned trial Court has rightly taken cognizance of the offences. The petitioner shall be at liberty to raise all such factual and legal defences before the learned trial Court at the appropriate stage.

20. Consequently, this Court finds no ground to interfere with the impugned order dated 24.02.2026 or the consequential criminal proceedings arising out of Crime No.282/2025. The petition, being devoid of merit, is accordingly **dismissed**. It is made clear that the observations made herein are confined to the adjudication of the present petition and shall not influence the learned trial Court while deciding the case on its own merits.

21. Pending interlocutory application(s), if any, shall also stand **disposed of**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice