



2026:CGHC:3809-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1104 of 2022

1 - Ahmadi Khatoon D/o Md. Halim Ansari, Aged About 16 Years, At Present 19 Years R/o Durga Nagar, Birgaon, Near Birgaon Vidhya Niketan School, District : Raipur, Chhattisgarh

... **Petitioner**

versus

1 - State of Chhattisgarh, Through S.H.O., Police Station Urla, District : Raipur, Chhattisgarh

2 - Saleha Naaz W/o Saddam Ansari, Aged About 22 Years, R/o Durga Nagar, Birgaon, Near Birgaon Vidhya Niketan School, District Raipur, Chhattisgarh Presently R/o C/o Shoib Ahemad, D.M.C. Talan Para, Ward No. 18, Kumhari, District : Durg, Chhattisgarh

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner : Mr. B.P. Singh, Advocate.

For State : Mr. Shalendra Sharma, Panel Lawyer.

For Respondent No.2 : Mr. Lukesh Kumar Mishra, Advocate through virtual mode.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

22-01-2026

1. Heard Mr. B.P. Singh, learned counsel for the petitioner. Also heard Mr. Shailendra Sharma, learned Panel Lawyer, appearing for the State and Mr. Lukesh Kumar Mishra, Advocate appearing through virtual mode for respondent No.2.
2. The present petition has been filed by the petitioner with the following prayer:-

- “1. That, this Hon’ble Court may be pleased to set aside FIR registered crime no. 579/2019 and also the charge sheet as (ANNEXURE P1) qua the petitioner, in the interest of justice.
2. That any other relief Hon’ble Court deems fit may also be granted.”

3. The brief facts as mentioned in the petition are that the marriage between the complainant Sahela Naaz and the petitioner’s brother Md. Saddam was solemnized on 31.10.2019 at Kumhari, District Durg, Chhattisgarh, in accordance with Muslim customs. After a brief period of cordial relations, the complainant started abnormal behavior and disclosed a prior affair, which was accepted by the petitioner’s family with an intention to start married life afresh. On 22.11.2019, due to the complainant’s attempt to harm herself, she was sent to her parental home for counselling with mutual consent, and regular communication continued till 25.11.2019. The complainant’s father thereafter falsely claimed that she was admitted in AIIMS, Raipur, which was found to be untrue, and subsequently threatened the petitioner’s family with false

cases under dowry and domestic violence laws. Apprehending danger, the petitioner's brother approached the Women Cell, Raipur, on 01.12.2019, seeking counselling and protection. Despite this, the complainant lodged complaint dated **14.12.2019** on which FIR No. 579/2019 has been registered against the petitioner and the other family members of the petitioner at P.S. Urla, Raipur for the offence under Section 376, 498-A, 323, 506, 34 of the IPC. As the petitioner was a minor, proceedings against her were initiated before the Juvenile Justice Board, Raipur bearing Juvenile Justice Case No.59/2021, while the case against adult family members is pending before the Additional Sessions Judge (F.T.C.), Raipur in Sessions Trial No.340/2021. The charge sheet was filed against the petitioner before the Juvenile Justice Board, Mana Camp, Raipur for the offence under Section 376, 498A, 506 B, 323 r/w 34 of IPC and u/s 3 and 4 of Dowry Prohibition Act, 1961 and charges have been framed against the petitioner on 12.03.2021 under Section 376, 498A, 506 part - II, 323 r/w 34 of IPC and u/s 3 and 4 of Dowry Prohibition Act, 1961 and the trial is presently pending before the Juvenile Justice Board at the stage of evidence of the prosecutrix.

4. Learned counsel for the petitioner would submit that the respondent No.2/complainant has raised trivial issue and it was a matrimonial dispute between the brother of the petitioner and the respondent No.2. He would further submit that there is no ingredients of Section 376 of the IPC available on the facts of the record. The allegation of rape is alleged against co-accused Md. Halim Ansari.

Further, the FIR has been lodged belatedly after one month and there is no any explanation of delay. The present petitioner was only of age 16 years and it is not possible to commit any offence upon the prosecutrix. The offence of Dowry Prohibition Act is also not made out against the petitioner as there is only omnibus allegation in the charge sheet against the petitioner in this respect. He would further submit that the petitioner is a lady and youngest member in the family. In her statement under Section 164 of the Cr.P.C. the prosecutrix has not made any specific allegation against the petitioner and only general and omnibus allegation has been leveled against all the family members of the petitioner. All the allegations made by the prosecutrix are made only to implicate all the family members of her husband who is brother of the present petitioner. The complainant is not appearing in the trial which demonstrates that she lodged the FIR only to harass her in-laws. In Special S.T. No.340/2021 pending before the learned Additional Sessions Judge (F.T.C.), Raipur where charge has been framed against similarly placed co-accused, namely, Angoori Khatoon (sister of the petitioner) on 08-11-2021 no charge has been framed against Angoori Khatoon for the offences under Section 376 of the IPC and Dowry Prohibition Act.

5. Learned counsel for the State opposes the submission made by learned counsel for the petitioner and submits that the FIR discloses commission of offence and involvement of the present petitioner in the said offence and after collecting documentary evidences and recording statements of the witnesses the allegations leveled upon the petitioner

were prima facie found proved and charge sheet has been filed before the Juvenile Justice Board. Therefore, at this stage it cannot be said that the petitioner is innocent and has not committed any offence. Therefore, the petition may be dismissed.

6. Learned counsel for the respondent No.2/objector supported the submission made by learned counsel for the State and submits that no case is made out for quashing the impugned FIR or the criminal proceeding pending against the petitioner.

7. We have heard learned counsel for the parties and perused the documents annexed with the petition.

8. The Supreme Court referred to various cases and has laid down that in cases of matrimonial matters, court should exercise power under Section 482 of Cr.P.C. sparingly and only it may exercise when the court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed.

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

10. In the present case, it transpires that the dispute in question arises out of a matrimonial discord between the complainant and the petitioner’s brother, and the allegations levelled against the present petitioner are general, vague, and omnibus in nature. No specific overt

act or role has been attributed to the petitioner either in the FIR or in the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. The allegations appear to have been made in a sweeping manner only to implicate all members of the matrimonial family. So far as the offence under Section 376 of the IPC is concerned, the record clearly reflects that the allegation of rape has been specifically levelled against another co-accused and not against the present petitioner. Moreover, the petitioner was admittedly minor at the relevant time and as submitted by learned counsel for the petitioner that she is youngest member of the family, which further makes the allegations against her improbable. With regard to the offences under Sections 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, no material has been placed the charge sheet to show any specific demand made by the petitioner. Mere bald and omnibus allegations are insufficient to sustain prosecution against the petitioner who was minor female member of her family at the relevant time and her other family members have already been made accused in a separate trial arising out of the same dispute.

11. In view of the aforesaid facts and circumstances and the judgment delivered by the Hon'ble Supreme Court in the case of **Manoj Kumar Sharma** (supra), this Court is satisfied that the essential ingredients of the alleged offences are not made out against the present petitioner and that continuation of the proceedings before the Juvenile Justice Board would result in undue harassment and miscarriage of justice.

12. Accordingly, the petition is **allowed**. The criminal proceedings

pending against the petitioner in **Juvenile Justice Case No. 59/2021** before the **Juvenile Justice Board, Raipur, District Raipur** and **FIR No. 579/2019**, registered at Police Station Urla, Raipur, only with respect to petitioner Ahmadi Khatoon are hereby **quashed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice