



CGHC010244272026

2026:CGHC:29836-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1793 of 2026

Bhupendra Dheewar S/o Banshilal Dheewar Aged About 27 Years R/o Village Bharari Police Station Ratanpur Tehsil And District- Bilaspur (C.G.)

... **Petitioner**

versus

1 - State of Chhattisgarh Through- Officer In Charge Police of Police Station Ratanpur District- Bilaspur (C.G.)

2 - Smt Pushpa Dheewar W/o Shri Ramkumar Dheewar Aged About 40 Years R/o Village - Garvat P.S. Ratanpur Tehsil- Ratanpur District- Bilaspur (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Ashutosh Shukla, Advocate
For Respondent No.1/State	:	Mr. Jitendra Shrivastava, Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

15.07.2026

1. Heard Mr. Ashutosh Shukla, learned counsel for the petitioner and Mr. Jitendra Shrivastava, learned Government Advocate, appearing for the State/respondent No.1.



2. The present petition has been filed by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'B.N.S.S.') with the following relief(s):-

"1. That the Hon'ble Court may be pleased to allow the Present petition CRMP and may quash the impugned Chargesheet Along with FIR dated 11.02.2026 filed against the petitioner in police station Ratanpur District Bilaspur (C.G) in connection with Crime No 98/2026 U/s under section 296,351(3), 115(2)109,3(5) of Bhartiya Nyaya Sanhita 2023 & 25,27 Arms Act 1959 as Session Trial No.113/2026 pending before 10th ADJ, Bilaspur, District Bilaspur (C.G) and the Cognizance taken on dated 08.05.2026 by Learned JMFC Kota District Bilaspur (C.G).

2. That the Hon'ble court may Quash the Chargesheet & FIR and Discharge the present applicant.

3. That the Hon'ble court may call for the entire records for its kind perusal.

4. That this Hon'ble Court may be pleased to pass any other order as it may deem fit in the interest of justice."

3. Learned counsel appearing for the petitioner would submit that the present petitioner has been falsely implicated in the crime and his implication is the result of mere suspicion rather than any credible material collected during the course of investigation. It is contended that a plain reading of the First Information Report, the statements of the



witnesses recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the charge-sheet would demonstrate that the specific allegation of inflicting the knife injury upon the injured Trilok Dheewar is attributed exclusively to the co-accused, namely, the juvenile Pushpendra Dheewar. According to learned counsel, the role assigned to the present petitioner is wholly omnibus and vague, as there is neither any allegation that he assaulted the injured nor that he used any weapon during the alleged incident. It is submitted that the petitioner, who is a close relative of the parties, had merely intervened in an attempt to pacify the situation arising during the marriage procession and has been arraigned as an accused only because of his presence at the place of occurrence. Therefore, even if the entire prosecution case is accepted at its face value, no ingredients of the offences alleged against the petitioner are made out.

4. Learned counsel would further submit that the investigating agency, despite the absence of any cogent, reliable or legally admissible material connecting the petitioner with the alleged offence, has mechanically filed the charge-sheet against him under Sections 296, 351(3), 115(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 as well as Sections 25 and 27 of the Arms Act, 1959. It is argued that the charge-sheet itself records that the knife blow was inflicted by the juvenile co-accused, whereas no overt act whatsoever has been attributed to the petitioner. Learned counsel submits that the petitioner has already been enlarged on regular bail by the competent Court and has been in custody from 12.02.2026. Continuation of the criminal



proceedings against him, in the absence of any prima facie material, would amount to a gross abuse of the process of law and would unnecessarily subject an innocent person to the rigours of a criminal trial.

5. Learned counsel further contends that the present case squarely falls within the well-recognised categories laid down by the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, particularly the categories where the allegations made in the First Information Report and the material collected during investigation, even if accepted in their entirety, do not disclose the commission of any offence against the accused or where the criminal proceedings are manifestly attended with mala fides and instituted with an ulterior motive. It is submitted that the prosecution has failed to collect any independent material establishing the petitioner's involvement, common intention or common object in the commission of the alleged offences. In such circumstances, permitting the criminal proceedings to continue would be nothing but an abuse of the process of the Court.

6. It is, therefore, prayed that this Court, in exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, may be pleased to quash the FIR, the consequential charge-sheet, the order taking cognizance dated 08.05.2026, and all further criminal proceedings arising out of Crime No.98/2026 pending before the learned Judicial Magistrate First Class, Kota, District Bilaspur.



7. Per contra, learned State counsel would vehemently oppose the petition and submit that the First Information Report, the statements of the witnesses recorded during investigation, the statement of the injured, the memorandum statements of the accused persons, the recovery of the weapon of offence and the material collected during investigation clearly disclose the commission of cognizable offences against the petitioner. It is submitted that the incident occurred during a marriage procession on the night of 10.02.2026, when a dispute arose on account of bursting of firecrackers. During the course of the altercation, the petitioner, along with the juvenile co-accused, actively participated in the assault upon the injured Trilok Dheewar. As per the prosecution case, the petitioner caught hold of the injured from behind, thereby facilitating the juvenile co-accused to inflict knife blows on the stomach and hand of the injured, resulting in grievous injuries. It is contended that the role attributed to the petitioner is specific and constitutes active participation in the commission of the offence, attracting the provisions of the Bharatiya Nyaya Sanhita, 2023.

8. Learned State counsel would further submit that during investigation, the statements of the complainant, the injured and other eyewitnesses were recorded, all of whom have consistently supported the prosecution case. It is submitted that the memorandum statements of the petitioner and the juvenile co-accused were also recorded in accordance with law, pursuant to which the knife used in the commission of the offence was recovered from the possession of the juvenile. The investigating agency further seized blood-stained soil, wall



scrapings, the blood-stained clothes and slippers of the injured from the place of occurrence, and the seized articles, including the weapon of offence, were forwarded to the Forensic Science Laboratory for scientific examination. After completion of investigation and upon finding sufficient material establishing the complicity of the petitioner, a charge-sheet has been filed before the competent Court. It is, therefore, contended that the prosecution has collected ample prima facie evidence connecting the petitioner with the crime and that the correctness, reliability and evidentiary value of such material can only be examined during the course of trial.

9. Learned State counsel would lastly submit that the scope of interference by this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is extremely limited. At the stage of considering a petition for quashing, the Court is only required to examine whether the allegations contained in the FIR and the material collected during investigation disclose the commission of a cognizable offence and make out a prima facie case against the accused. It is argued that the petitioner seeks a meticulous appreciation of the evidence and adjudication of disputed questions of fact, which is impermissible in proceedings under Section 528 of the BNSS. Since the charge-sheet discloses sufficient material against the petitioner and the prosecution case cannot be said to be inherently improbable or an abuse of the process of law, the present petition deserves to be dismissed, leaving the petitioner to establish his defence before the trial Court during the course of trial.



10. We have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

11. 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 528 of the B.N.S.S.).

12. 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.

13. 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 Bharatiya Nagarik Suraksha Sanhita, 2023). The 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.

14. 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. 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.

15. Tested on the touchstone of the aforesaid principles, this Court finds that the allegations contained in the First Information Report, the charge-sheet and the material collected during investigation cannot be said to be so absurd, inherently improbable or devoid of substance so as to warrant exercise of the inherent jurisdiction of this Court under Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*. The prosecution case is that during a marriage procession held on 10.02.2026, a dispute arose over bursting of firecrackers and, during the altercation, the petitioner caught hold of the injured Trilok Dheewar from behind, thereby facilitating the juvenile co-accused to inflict knife blows on his stomach and hand. During investigation, statements of the complainant, the injured and eyewitnesses were recorded, the weapon of offence was recovered from the juvenile co-accused, incriminating articles were seized and, upon finding sufficient prima facie material, the Investigating Agency filed the charge-sheet against the petitioner and the juvenile co-accused.



16. The principal contention of the petitioner is that he has been falsely implicated and that the actual assault was committed only by the juvenile co-accused. According to him, he neither assaulted the injured nor abused him and had merely attempted to pacify the dispute. In the opinion of this Court, these submissions constitute the defence of the petitioner and involve disputed questions of fact which cannot be examined in proceedings under Section 528 of the BNSS. Whether the petitioner actively participated in the occurrence, shared a common intention with the co-accused or merely remained a bystander are matters to be determined on the basis of evidence during trial and not in proceedings invoking the inherent jurisdiction of this Court.

17. A plain reading of the FIR and the material collected during investigation discloses specific allegations against the petitioner. The statements of the injured and other eyewitnesses prima facie support the prosecution case that the petitioner facilitated the assault by restraining the injured. At this stage, this Court is only required to examine whether the allegations disclose the commission of cognizable offences and not whether the prosecution will ultimately succeed in proving its case beyond reasonable doubt. The contention that the petitioner has been granted regular bail or that no weapon was recovered from his possession does not constitute a valid ground for quashing the criminal proceedings.

18. The law is well settled that while exercising jurisdiction under Section 528 of the BNSS, the High Court cannot undertake a



meticulous appreciation of evidence or conduct a mini trial. As held by the Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd.*** (supra) and ***Pradeep Kumar Kesharwani*** (supra), the inherent power is to be exercised sparingly and only in exceptional cases. In the present case, the FIR, the statements recorded during investigation and the charge-sheet, if taken at their face value, disclose a prima facie case against the petitioner. This Court, therefore, finds no ground to interfere with the impugned criminal proceedings.

19. Consequently, the present case does not fall within any of the exceptional categories warranting exercise of inherent jurisdiction under Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*. The petition, being devoid of merit, is accordingly dismissed. It is made clear that the observations made herein are only for the purpose of deciding the present petition and shall not influence the learned trial Court while deciding the case on its own merits.

20. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice