



2026:CGHC:27882-DB



CGHC010245502026



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1719 of 2026**

1. Tej Bahadur Singh @ Teg Bahadur Singh S/o Late Lalan Singh Thakur @ Lakhan Singh Thakur Aged About 67 Years R/o Shukrawari Bazar P.S. Gudhiyari Raipur Tahsil And District - Raipur (C.G.)
2. Raj Bahadur Singh S/o Late Lakhan Singh Thakur Aged About 63 Years R/o Shukrawari Bazar P.S. Gudhiyari Raipur Tahsil And District - Raipur (C.G.)
3. Smt Kaushliya W/o Shri Raj Bahadur Singh Aged About 59 Years R/o Shukrawari Bazar P.S. Gudhiyari Raipur Tahsil And District - Raipur (C.G.)

**... Applicant(s)****versus**

1. State of Chhattisgarh Through SHO PS Gudhiyari District- Raipur (C.G.)
2. Pradeep Singh Rajput S/o Shri Vijay Bahadur Singh Aged About 50 Years R/o Rajput Bhavan Shukrawari Bazar Ps Gudhiyari District- Raipur (C.G.) At Present R/o Mandir Hasaud Ps Mandir Hasaud District- Raipur (C.G.)

**...Non-applicant(s)**

(Cause-title taken from Case Information System)

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| For Applicants                 | : | Mr. Dheerendra Pandey, Advocate.           |
| For Non-applicant No. 1/State: |   | Mr. Sangharsh Pandey, Government Advocate. |

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**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. Dheerendra Pandey, learned counsel for the applicants. Also heard Mr. Sangharsh Pandey, learned Government Advocate, appearing for the State/non-applicant No. 1.
2. The present petition has been filed by the applicants with the following prayers:

*“(i) It is therefore prayed that this Hon’ble Court may be pleased to allow the application by making an order to quash the charge-sheet No. 386 of 2024 dated 10.08.2024 and cognizance order of the impugned charge-sheet dated 06.12.2024 and all consequential proceedings in FIR Crime No. 315 of 2024 dated 17.04.2024, pending before the Judicial Magistrate First Class, Raipur, District Raipur (C.G.), registered as Criminal Case No. 21439 of 2024 offence under Section 294, 506, 34 of IPC.*

*(ii) The Hon’ble Court may kindly be pleased to call for the entire records pertaining to the impugned Criminal Case No. 21439 of 2024 offence under Section 294, 506, 34 of the IPC, P.S. Gudhiyari, District Raipur (C.G.), titled as ‘State of Chhattisgarh vs. Tej Bahadur Singh & others’ currently pending before the Court of Judicial Magistrate First Class, Raipur, District Raipur-Bhatapa (C.G.).*



*(iii) Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case along with cost of the petition be awarded in favour of the applicants."*

3. Learned counsel for the applicants submits that the impugned FIR, the charge-sheet, and the entire criminal proceedings are nothing but a result of a long-standing family and property dispute between the parties and have been initiated with an ulterior motive to harass the petitioners. He further submitted that the dispute between the parties has been continuing since the year 2022 on account of ancestral property. The non-applicant No. 2 and his family members have repeatedly threatened, abused, intimidated, and assaulted the applicants with the intention of forcing them to relinquish their lawful share in the family property. On several occasions, the applicants approached the police authorities by submitting written complaints narrating the acts of criminal intimidation, abusive language, assault, and threats to life committed by non-applicant No. 2 and his associates.

4. Learned counsel for the applicants would submit that one such complaint was lodged by the applicants, wherein it was specifically stated that non-applicant No. 2, namely, Pradeep Singh, while under the influence of alcohol, along with Indrajeet Singh, obstructed the entrance of the applicants' house, prevented the gate from being closed, abused the applicant No. 3 in filthy language, attempted to assault her, and threatened to kill and bury her if the gate was locked. Despite the seriousness of the allegations, the police failed to register the complaint



in accordance with the applicants version and merely treated the matter as a family or ancestral property dispute, advising the applicants to seek remedy before the Civil Court.

**5.** It is further contended by the learned counsel for the applicants that the applicants consistently informed the police authorities that there was no subsisting dispute regarding partition of the ancestral property, as the same had already been partitioned in writing by the applicants' father-in-law approximately twelve years earlier in the presence of all family members. Since then, each branch of the family has been residing separately and peacefully in possession of its respective share. The repeated acts of intimidation by non-applicant No. 2 were, therefore, purely criminal in nature and could not have been brushed aside as a mere family dispute. He further submitted that applicant No.1 also specifically complained before the police that Vijay Singh Thakur, Shiv Singh Thakur, Pradeep Singh Thakur, and Indrajit Singh Thakur were continuously abusing, threatening, and mentally harassing the applicants with the intention of forcibly grabbing their residential house. The applicants expressed a genuine apprehension that non-applicant No. 2 and his family members could cause serious harm to the lives of the applicants. However, despite repeated complaints, the police authorities failed to take any effective legal action.

**6.** It is further stated by the learned counsel, appearing for the applicants that the police authorities, instead of registering cognizable offences disclosed in the complaints, repeatedly issued reports under



Section 155 of the Cr.P.C., treating the matter as non-cognizable and describing it as a family dispute, thereby refusing to conduct a proper investigation into the serious allegations made by the applicants. He also stated that the applicant No. 2 sought information under the Right to Information Act regarding the action taken on the complaints submitted against non-applicant No. 2. The information supplied by the police merely reiterated that no cognizable offence was made out on account of the alleged family dispute, without even considering the medical examination report of applicant No. 2, thereby demonstrating a mechanical and arbitrary approach on the part of the investigating agency. He further contended that on 06.02.2024, applicant No. 3 lodged another complaint against non-applicant No. 2 stating that non-applicant No. 2 abused her in filthy language, issued death threats, assaulted her with a hammer causing injuries to her hand, broke the lock of the house gate, damaged her bangles, and behaved in an indecent and violent manner while under the influence of alcohol. The incident was witnessed by independent persons. Pursuant to the investigation, the police arrested non-applicant No. 2 and ultimately filed a charge-sheet against him, which is presently pending before the learned Judicial Magistrate First Class, Raipur. This itself establishes that non-applicant No. 2 has been the aggressor throughout the dispute.

**7.** Learned counsel for the applicants submits that immediately thereafter, due to the previous enmity and ongoing property dispute, non-applicant No. 2 lodged a false and retaliatory complaint against the applicants, on the basis of which the impugned FIR came to be



registered for offences under Sections 294, 506, and 34 of the IPC.

Subsequently, after completion of investigation, the police mechanically filed the impugned charge-sheet against the applicants. He further submitted that the registration of the FIR and filing of the charge-sheet are wholly illegal, arbitrary, and contrary to settled principles of criminal law. The investigating agency failed to conduct a fair and impartial investigation, ignored the earlier complaints lodged by the applicants against non-applicant No. 2, overlooked the admitted history of litigation between the parties, and completely failed to appreciate that the criminal case was a counterblast to the earlier proceedings initiated against non-applicant No. 2.

**8.** Learned counsel for the applicants further submits that even if the entire prosecution case is accepted on its face value, the essential ingredients of the offences punishable under Sections 294, 506, and 34 of the IPC are not made out against the applicants. The allegations are vague, omnibus, and inherently improbable, and no independent material has been collected during investigation to substantiate the accusations. He further submitted that the statements of the prosecution witnesses were recorded after an unexplained delay, thereby creating serious doubt regarding the genuineness and credibility of the prosecution story. The investigating officer failed to collect any independent or corroborative evidence before filing the charge-sheet and proceeded in a casual and predetermined manner.

**9.** Learned counsel submits that the impugned criminal proceedings



have been initiated solely to wreak vengeance upon the petitioners and to exert pressure upon them in relation to the property dispute. The criminal law has thus been misused as an instrument of harassment, which amounts to abuse of the process of law. It is, therefore, respectfully submitted that the continuation of the impugned criminal proceedings would amount to a gross abuse of the process of the Court. Accordingly, the impugned FIR, the consequential charge-sheet, and the entire criminal proceedings pending against the applicants deserve to be quashed in exercise of the inherent jurisdiction of this Court.

**10.** *Per contra*, learned State counsel opposed the petition and submitted that the FIR was registered on the basis of a written complaint, a fair investigation was conducted, statements of witnesses were recorded, prima facie material was collected during investigation and only thereafter the charge-sheet was filed. He submits that the allegations disclose commission of cognizable offences and the contentions raised by the applicants involve disputed questions of fact, which can only be adjudicated during trial and not in proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'). He, therefore, prayed for dismissal of the petition.

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

**12.** 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).

13. 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.

14. 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.

15. 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.

**16.** A perusal of the charge-sheet reveals that the prosecution case is founded upon the written complaint dated 17.04.2024 alleging that on 06.02.2024 at about 6:15 a.m. the applicants abused the complainant in obscene language and threatened him with dire consequences when he demanded that the lock installed on the common gate be opened. The complaint itself discloses that the parties are close relatives and that the dispute relates to the use of the common passage and gate of the ancestral property. It is further alleged that when the complainant attempted to open the lock with a hammer, a verbal altercation took place. During investigation, the Investigating Officer prepared the spot map, recorded the statements of the complainant and other witnesses, arrested the applicants, released them on bail as the offences were bailable and, upon finding sufficient material, submitted Charge-sheet No. 386/2024 before the learned trial Court.



**17.** Having considered the rival submissions, this Court is of the opinion that the allegations contained in the FIR and the material collected during investigation, if taken at their face value, prima facie disclose the commission of cognizable offences. The plea that the prosecution is a counterblast to earlier complaints, that the dispute is essentially civil in nature, or that the investigation is unfair, are all disputed questions of fact requiring appreciation of evidence. Such pleas constitute matters of defence and cannot be examined in proceedings under Section 528 of the BNSS.

**18.** Merely because there exists a family or property dispute between the parties does not ipso facto render the criminal proceedings liable to be quashed when the complaint discloses the essential ingredients of cognizable offences. The existence of previous enmity may furnish a defence to the applicants, but the same cannot be adjudicated by this Court while exercising its inherent jurisdiction. This Court cannot undertake a meticulous examination of the evidence or conduct a mini trial at this stage.

**19.** In view of the settled principles laid down by the Hon'ble Supreme Court in the decisions referred to hereinabove, this Court is satisfied that the present case does not fall within the exceptional category warranting exercise of inherent jurisdiction under Section 528 of the BNSS. The allegations cannot be said to be inherently improbable or so absurd that no prudent person could reach a conclusion that an offence is made out. Whether the prosecution ultimately succeeds is a matter to



be determined by the learned trial Court after appreciation of evidence.

**20.** Consequently, finding no merit in the present petition, the same is **dismissed**. It is, however, clarified 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 and in accordance with law.

**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**