



2026:CGHC:29839-DB



CGHC010254452026



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HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1829 of 2026**

- 1** - Ghanshyam Verma S/o Balaram Verma Aged About 48 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.
- 2** - Prahlad Verma S/o Manohar Lal Verma Aged About 44 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.
- 3** - Birendra Verma S/o Jhalaram Verma Aged About 30 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.
- 4** - Virendra Baghel S/o Dev Singh Baghel Aged About 44 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.
- 5** - Bedram Verma S/o Late Keju Ram Verma Aged About 56 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.
- 6** - Baliram Verma S/o Late Keju Ram Verma Aged About 48 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.
- 7** - Rajesh Verma S/o Ramkumar Verma Aged About 39 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.
- 8** - Bheekham Chandra Verma S/o Bhagat Ram Verma Aged About 45 Years R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.



9 - Dushyant Verma @ Raja S/o Shrawan Verma Aged About 28 Years
R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

10 - Madhu Verma D/o Anil Verma Aged About 40 Years R/o Village
Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

11 - Munni Verma W/o Samay Lal Aged About 45 Years R/o Village
Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

12 - Kirti Nishad S/o Pramod Kumar Nishad Aged About 43 Years R/o
Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

13 - Neetu Yadav D/o Shivcharan Yadav Aged About 19 Years R/o
Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

14 - Dinesh Verma S/o Narad Lal Verma Aged About 25 Years R/o
Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

15 - Raju Verma S/o Manohar Verma Aged About 39 Years R/o Village
Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

16 - Pramod Kumar Nishad S/o Late Lallu Ram Aged About 45 Years
R/o Village Mohbhattha, P.S. Hathbandh, Distt. Balodabazar Bhatapara,
Chhattisgarh.

... Petitioners

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station
Hathbandh, Distt. Balodabazar Bhatapara, Chhattisgarh.

2 - Prakash Bachwani S/o Nirmal Das Bachwani Aged About 47 Years
R/o Near Sindhi Camp Jhulelal Temple, Tilda, Distt. Raipur,
Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)



For Petitioners	:	Mr. Vikram Pratap, Advocate
For Respondent No.1/State	:	Mr. Priyank Rathi, 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. Vikram Pratap, learned counsel for the petitioners and Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondent No.1.
2. The present petition has been filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'B.N.S.S.') with the following relief(s):-

"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to quash the impugned FIR dated 25-09-2023 bearing Crime No.97/2023 registered at Police Station Hathbandh, District Balodabazar -Bhatapara (C.G.) for the alleged offences under Section 147, 148, 294, 506-B, 427 of Indian Penal Code and also quashment of impugned final report No. 163/2024 dated 15-11-2024 filed by the Police Station Hathbandh, District Balodabazar Bhatapara (C.G.) before the learned Judicial Magistrate First Class, Simga, District Balodabazar -Bhatapara (C.G.) for the offence under Section 147, 148, 294, 506-B, 427 of Indian Penal Code and also quashment of cognizance order dated 05-12-2024 passed by the Judicial Magistrate First Class, Simga,



District Balodabazar Bhatapara (C.G.) in Criminal Case No.1338/2024 and also quashment of further Criminal Proceeding pending before the Judicial Magistrate First Class, Simga, District Balodabazar Bhatapara (C.G.) as Criminal Case No. 1338/2024 (Annexure P-1), in the interest of justice.”

3. Learned counsel appearing for the petitioners would submit that the registration of the impugned FIR and the consequential criminal proceedings are wholly arbitrary, malicious and constitute a gross abuse of the process of law. It is contended that the allegations contained in the FIR are vague, omnibus and generalized in nature, wherein the names of a large number of villagers, including the present petitioners, have been implicated without attributing any specific overt act, individual role or participation to any of them. According to learned counsel, except making a bald allegation that nearly 150 villagers assembled at the place of occurrence and damaged the temporary tent and other articles, the prosecution has failed to specify as to which petitioner committed which particular act constituting the alleged offences. It is further submitted that no independent witness has supported the prosecution case, no labourer or worker allegedly present at the site has lodged any complaint, no police official or officer of the District Administration present during the public hearing has reported any incident of rioting or assault, and admittedly no person sustained any injury. Even the alleged loss of approximately Rs.4,50,000/- is based solely upon the unilateral assertion of the complainant and is not



supported by any valuation report, independent assessment or other reliable material collected during investigation.

4. Learned counsel would further submit that the very foundation of the prosecution is legally unsustainable inasmuch as the public hearing scheduled on 25.09.2023 was a statutory environmental public hearing conducted under the provisions of the Environmental Impact Assessment Notification, 2006, under the supervision of the competent Government authorities and the Chhattisgarh Environment Conservation Board. It is argued that the complainant was merely a private contractor engaged for erection of temporary tents and allied infrastructure and had neither any statutory authority nor any legal competence to conduct or control the public hearing. In the absence of any authorization issued by the competent Government authority in favour of the complainant, the prosecution story that the petitioners obstructed or interfered with a private programme of the complainant is wholly misconceived. Learned counsel would submit that the petitioners, being residents of the affected village, were only exercising their constitutional right to participate in the environmental decision-making process and to raise objections regarding the proposed industrial project. Their mere presence at the venue of the public hearing cannot, by itself, constitute the ingredients of the offences alleged against them.

5. It is lastly submitted that the investigating agency has failed to collect any scientific, forensic or electronic evidence connecting the



petitioners with the alleged occurrence, nor has any incriminating material been recovered from their possession. The continuation of the criminal proceedings, therefore, would amount to a misuse of the criminal justice system and an abuse of the process of the Court. It is, therefore, prayed that the impugned FIR, the charge-sheet, the order taking cognizance dated 05.12.2024 and all consequential criminal proceedings pending against the petitioners deserve to be quashed.

6. Per contra, learned State counsel would submit that the present petition is wholly devoid of merit and does not warrant interference in exercise of the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is submitted that the First Information Report was not registered on the basis of vague or anonymous allegations but pursuant to a written complaint lodged by respondent No.2, who was entrusted with the work of erecting the tent and other infrastructure for the public hearing scheduled on 25.09.2023. During the course of investigation, the Investigating Officer recorded the statements of the complainant as well as other witnesses under Section 161 Cr.P.C., prepared the spot map, conducted the spot inspection, prepared the damage panchnama and seizure proceedings, and, after collecting the material available on record, found sufficient evidence indicating the involvement of the present petitioners along with other accused persons in the alleged incident. It is further submitted that upon completion of investigation, Charge-sheet No.163/2024 dated 15.11.2024 was filed before the learned Judicial Magistrate First Class, Simga, who, upon due consideration of the material collected during



investigation, took cognizance of the offences by order dated 05.12.2024. According to the learned State counsel, the allegations contained in the FIR and the material collected during investigation prima facie disclose the commission of offences punishable under Sections 147, 148, 294, 506-B and 427 of the Indian Penal Code and, therefore, the prosecution cannot be scuttled at its threshold.

7. Learned State counsel would further submit that the submissions advanced on behalf of the petitioners regarding absence of specific overt acts, alleged falsity of the prosecution case, insufficiency of evidence, non-production of valuation reports, or the contention that the petitioners were merely exercising their right to participate in the public hearing, are all matters of defence involving disputed questions of fact, which cannot be adjudicated in proceedings under Section 528 of the BNSS.

8. It is lastly contended by learned State counsel that the truthfulness or otherwise of the allegations, the reliability of the witnesses, and the evidentiary value of the material collected during investigation are matters which can only be examined by the learned trial Court after the parties adduce evidence during trial. It is, therefore, submitted that the present case does not fall within any of the exceptional categories warranting exercise of the extraordinary inherent jurisdiction of this Court and the petition deserves to be dismissed.

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



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

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 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.

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. 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. 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 wholly 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, in brief, is that in connection with the proposed public hearing (Jan Sunwai) scheduled on 25.09.2023 for the project of Rama Metals & Energy Private Limited, temporary tents and other infrastructure had been erected at Village Mohbhatta. It is alleged that on 24.09.2023, the present petitioners along with several other villagers, forming an unlawful assembly, arrived at the venue armed with sticks, abused and threatened the labourers engaged in the construction work, chased them away and thereafter caused damage to the tent, chairs, tables, bamboo poles, carpets, electrical fittings and other articles, resulting in a loss estimated at about Rs.4,50,000/-. During investigation, the Investigating Officer recorded the statements of the complainant and other witnesses, prepared the spot map, conducted the damage panchnama, collected the relevant material and,



upon finding sufficient prima facie evidence, submitted Charge-sheet No.163/2024 dated 15.11.2024, whereafter cognizance was taken by the learned Judicial Magistrate First Class, Simga.

15. The principal contention advanced on behalf of the petitioners is that they have been falsely implicated only because they are residents of the affected village and had opposed the proposed industrial project. It has been contended that the allegations are omnibus in nature, no specific overt act has been attributed to the individual petitioners, no independent witness or police officer has supported the prosecution case, the alleged loss has not been independently assessed and that the complainant, being merely a contractor, had no authority to conduct the statutory public hearing. In the considered opinion of this Court, all these submissions constitute the defence of the petitioners and involve disputed questions of fact, which cannot be adjudicated in proceedings under Section 528 of the BNSS. Whether the petitioners were members of the alleged unlawful assembly, whether they participated in causing damage to the property, whether the allegations are ultimately substantiated by legally admissible evidence and whether the prosecution has been able to establish the ingredients of the offences alleged are all matters which can only be examined by the learned trial Court upon appreciation of the evidence led by the parties.

16. A plain reading of the FIR and the material collected during investigation discloses specific allegations that the petitioners, along with other named and unnamed persons, formed an unlawful assembly,



criminally intimidated the workers engaged in the construction work and caused damage to the temporary structures and other articles installed for the proposed public hearing. The statements recorded during investigation, the spot inspection report and the damage panchnama prima facie support the prosecution version. At this stage, this Court is only required to examine whether the allegations, if taken at their face value, disclose the commission of cognizable offences and not whether the prosecution will ultimately succeed in securing the conviction of the accused. The contentions regarding absence of independent witnesses, insufficiency of evidence, lack of valuation of the alleged damage or the plea that the petitioners were merely exercising their right to protest are all matters to be considered during trial and do not furnish a valid ground for quashing the criminal proceedings at the threshold.

17. The law is now well settled that while exercising jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the High Court does not sit as a Court conducting a mini trial or evaluating the sufficiency and reliability of the evidence collected during investigation. As held by the Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd.*** (supra), ***Central Bureau of Investigation v. Aryan Singh***, (2023) 7 SCC 401, ***State of Tamil Nadu v. S. Martin***, (2024) 3 SCC 1, and ***Pradeep Kumar Kesharwani*** (supra), the inherent power of the High Court is to be exercised sparingly and with great circumspection, only where the allegations, even if accepted in their entirety, fail to disclose any offence or where continuation of the proceedings would amount to a patent abuse of the process of law. In the present case, the



FIR, the statements of the witnesses recorded during investigation, the spot map, the damage panchnama and the charge-sheet, if taken at their face value, clearly disclose a prima facie case against the petitioners. This Court, therefore, finds no exceptional circumstance warranting interference with the impugned criminal proceedings.

18. Consequently, this Court is of the considered opinion that the present case does not fall within any of the exceptional categories warranting exercise of the inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The pleas raised by the petitioners are essentially matters of defence involving disputed questions of fact, which can appropriately be adjudicated only after the parties lead evidence before the learned trial Court. Interference at this preliminary stage would amount to stifling a legitimate prosecution, which is impermissible in law. Accordingly, the present petition, being devoid of merit, is **dismissed**.

19. It is, however, made clear that the observations recorded herein are confined solely to the adjudication of the present petition under Section 528 of the BNSS and shall not be construed as an expression on the merits of the case. The learned trial Court shall proceed with the trial independently and strictly in accordance with law, without being influenced by any observation contained in this order.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice