



2026:CGHC:28354-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1773 of 2026

Amit Verma S/o Late Shri Ramadhar Verma Aged About 34 Years R/o Ward No. 08, Labour Camp, Jamul, District- Durg (C.G.)

... **Petitioner**

versus

1 - State of Chhattisgarh Through Police Station Jamul, District- Durg (C.G.)

2 - Arun Chauhan S/o Late Deenbandhu Chauhan R/o Ward No. 08, Labour Camp, Jamul, District- Durg (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner : Mr. Shishir Dixit, Advocate
For Respondent No.1 /State : Mr. Priyank Rathi, Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

09.07.2026

1. Heard Mr. Shishir Dixit, learned counsel for the petitioner as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondent No. 1.
2. The present petition has been filed by the petitioner under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 with the following prayers :



“(i) Quash the Final Report No. 499/2022 dated 20.12.2022 (ANNEXURE-P/1) filed under Section 452, 427, 294, 323, 506, 147, 148 IPC by the police of Police Station Jamul, District Durg (CG) arising out of FIR bearing Crime No. 374/2022 dated 6.10.2022 registered under Section 452, 427, 294, 323, 506, 147, 148 IPC, as far as it relates to the petitioner, in the interest of justice.

(ii) Quash the order taking cognizance dated 03.04.2025 (ANNEXURE-P/2) passed by the Judicial Magistrate First Class, Durg, District Durg (CG) in RCC No. 11764/2025, in the interest of justice and also all the further proceedings arising there from, as far as it relates to the petitioner, in the interest of justice.

(iii) That, any other relief/order which this Hon'ble Court may deem fit and just, in the facts and circumstances of the case be granted in the interest of justice.”

3. Learned counsel for the petitioner submits that the impugned FIR bearing Crime No. 374/2022, the consequential Final Report No. 499/2022 and the order dated 03.04.2025 taking cognizance are nothing but a counterblast to the earlier FIR bearing Crime No. 373/2022 lodged by the petitioner against Respondent No. 2 and his associates. It is contended that on the night of 05.10.2022, the petitioner himself was assaulted by Respondent No. 2 and the other accused persons after he refused to give them money for consuming liquor. Immediately after the incident, the petitioner approached Police Station Jamul, where his FIR was registered at



about 11.00 p.m., and thereafter he was sent for medical examination, which was conducted at about 12.25 a.m. Learned counsel submits that despite being fully aware of these undisputed facts, Respondent No. 2 lodged the impugned FIR at about 1.15 a.m. alleging that at about 10.45 p.m. the petitioner, along with the co-accused, had trespassed into his house, assaulted his family members and thereafter assaulted him. It is submitted that the timing mentioned in the impugned FIR itself demonstrates the falsity of the allegations, as the petitioner was already present at the police station lodging his own report and thereafter undergoing medical examination. According to learned counsel, the prosecution story is inherently improbable and is an afterthought devised only to create a defence in the earlier case registered against Respondent No. 2.

4. Learned counsel further submits that the police mechanically registered the counter FIR and proceeded with the investigation without verifying the correctness of the allegations, despite having official records showing that the petitioner was present in the police station at the relevant point of time. It is argued that the impugned criminal proceedings are manifestly mala fide and have been instituted solely with the object of pressurizing the petitioner to withdraw the earlier criminal case lodged by him. According to learned counsel, continuation of the prosecution would amount to gross abuse of the process of law, as the petitioner has been falsely implicated in a fabricated case. It is contended that the



impugned FIR, the charge-sheet and the order taking cognizance do not deserve to be sustained and are liable to be quashed by this Court in exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in order to secure the ends of justice and prevent abuse of the process of the Court.

5. Per contra, learned State counsel opposes the petition and submits that the present petition is not maintainable at this stage, as the allegations contained in the FIR, the material collected during investigation and the statements of the witnesses recorded under Section 161 Cr.P.C. prima facie disclose the commission of cognizable offences against the petitioner and other co-accused persons. It is submitted that the registration of a counter FIR by Respondent No. 2 cannot, by itself, be a ground to presume that the allegations contained therein are false or motivated, particularly when both parties have levelled allegations against each other arising out of the same incident. Learned State counsel further submits that the police, after conducting a detailed investigation in accordance with law, found sufficient material against the petitioner and accordingly submitted the final report before the competent Court, upon which the learned Magistrate has taken cognizance.
6. Considering the facts and circumstances of the case that allegations and counter allegations have been levelled by the petitioner and the complainant against each other and the matter



is of the year 2022 and from the order sheet of the concerned trial Court, it transpires that as exemption application has been moved on behalf of some of the co-accused, the charge could not be framed and the case is already fixed for framing of charges on 11.08.2026, we do not find any good ground for interference at this stage.

7. Accordingly, the instant petition is **dismissed** leaving it open to the petitioner to raise all the objections at an appropriate stage before the trial Court.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice