



2026:CGHC:21580-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 2107 of 2024**

Bal Kishan Sharma, S/o. Kesharmal Sharma Aged About 63 Years
R/o. A/1, Satya Niwas, Rammani Niwasi, Behind L.I.C. Office,
Magarpara, Police Station - Civil Line, Tahsil And District - Bilaspur
(C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Station House Officer, Police Station
- Civil Lines, Bilaspur, District - Bilaspur (C.G.)

2 - Ashok Agrawal S/o. Late Satyanarayan Agrawal Aged About 63
Years R/o. Mansa Niwas, Agrasen Chowk, Sakti, District- Sakti (C.G.)

----Respondent(s)

(Cause title taken from CIS)

For Petitioner	: Mr. Malay Shrivastava, Advocate
For Respondent/State	: Mr. Nitansh Kumar Jaiswal, Dy. G.A.
For Respondent No.2	: Mr. Amitesh Kumar Pandey, Advocates

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****08/05/2026**

1. Heard Mr. Malay Shrivastava, learned counsel for the petitioner,
Mr. Nitansh Kumar Jaiswal, Dy. G.A. for the respondent/ State
and Mr. Amitesh Kumar Pandey, learned counsel for respondent



No. 2.

2. The present petition has been filed by the petitioner with the following prayer:

“It is therefore prayed that this Hon’ble Court may kindly be pleased to allow this petition and quash the charge sheet dated 22.10.2023 filed against the petitioner by the respondent No. 1 bearing Crime No. 68/2018 registered at Police Station-Civil Line, Bilaspur, District Bilaspur (C.G.) for the commission of offence which is punishable under Section 420, 467 of the Indian Penal Code and order dated 06.12.2023 in the interest of justice.

3. Facts of the case are that the wife and son of respondent No.2 are owners of the land situated at Ward No.10 (Mother Teresa Ward), Bilaspur (C.G.), wherein the petitioner was residing as a tenant. On 02/02/2007, they executed a power of attorney in favour of respondent No.2, pursuant to which an agreement to sell dated 30/03/2007 was executed in favour of the petitioner after receiving Rs.2,50,000/- as earnest money. Thereafter, respondent No.2 instituted an eviction suit against the petitioner and his wife, wherein the petitioner specifically relied upon the said agreement to sell in his written statement. The eviction suit was partly decreed on 13/11/2014, against which First Appeal No.193/2014 is pending before this Hon’ble Court with interim protection in favour of the petitioner. During pendency of the civil dispute, respondent No.2 filed a private complaint under Section 200 Cr.P.C. alleging forgery of the agreement to sell, however, after police enquiry and recording of evidence, the learned Judicial Magistrate First Class, Bilaspur dismissed the complaint



on merits vide order dated 06/11/2017, which attained finality.

Thereafter, on the very same allegations, FIR dated 19/01/2018 was registered against the petitioner for offences under Sections 420, 467, 468 and 471 IPC. The petitioner challenged the FIR before this Hon'ble Court and was granted interim protection, however, the petition was later dismissed as infructuous. Subsequently, the petitioner was arrested on 05/07/2023 and later enlarged on bail by this Hon'ble Court vide order dated 11/08/2023. Thereafter, charge-sheet dated 22/10/2023 was filed against the petitioner under Sections 420 and 467 IPC, giving rise to the present petition challenging the FIR, charge-sheet and consequential criminal proceedings as an abuse of process of law arising out of a purely civil dispute.

4. Learned counsel for the petitioner submits that learned counsel for the petitioner submits that the impugned FIR, charge-sheet and consequential criminal proceedings are nothing but an abuse of the process of law arising out of a purely civil dispute between the parties. He submits that the agreement to sell dated 30/03/2007 was already subject matter of adjudication in the earlier complaint proceedings initiated by respondent No.2 under Section 200 Cr.P.C., wherein after considering the police enquiry report as well as the evidence led by the complainant, the learned Judicial Magistrate First Class, Bilaspur dismissed the complaint on merits vide order dated 06/11/2017 and the said order has attained finality. It is further submitted that without there being any fresh material available on record, the



respondent No.1 mechanically registered the FIR on the very same allegations and thereafter filed the charge-sheet against the petitioner. Learned counsel further submits that the dispute between the parties is predominantly civil in nature relating to agreement to sell, possession and eviction proceedings, which are already pending before the competent civil court, therefore continuation of the criminal proceedings against the petitioner amounts to misuse of criminal machinery for oblique purposes. He further submits that the impugned proceedings have been initiated only to pressurize the petitioner and his family members to vacate the disputed premises. Hence, it is prayed that the FIR, charge-sheet and all consequential criminal proceedings initiated against the petitioner deserve to be quashed by this Hon'ble Court.

5. On the other hand, learned State counsel as well as learned counsel for respondent No.2 opposed the submissions made by learned counsel for the petitioner and supported the impugned proceedings. It is submitted that from the allegations made by respondent No.2 and the material collected during investigation, the police found commission of cognizable offences under Sections 420, 467, 468 and 471 of the Indian Penal Code in relation to the alleged forged agreement to sell dated 30/03/2007 and, therefore, Crime No.68/2018 was registered at Police Station Civil Line, Bilaspur. It is further submitted that after due investigation, sufficient material was found against the petitioner and consequently charge-sheet dated 22/10/2023 has been filed



before the competent Court. He further submits that in the matter of ***State of Hariyana and others Vs. Ch. Bhajanlal & others*** reported in A.I.R. 1992 S.C. 604 (paragraph 108 & 109) the Supreme Court has illustratively given certain guidelines wherein the extra ordinary jurisdiction under Article 226 of the Constitution of India or U/s 528 of the B.N.S.S.. should be exercised but the petitioner has absolutely been failed to bring home his case within any of the given 7 guidelines. Therefore, the instant petition is devoid of merits and is liable to be dismissed

6. We have heard and considered the submissions of learned counsel for the parties and upon perusal of the materials on record,
7. Upon a careful perusal of the FIR, charge-sheet and the material placed on record, it is not in dispute that respondent No.2 had earlier levelled substantially similar allegations against the petitioner with regard to the alleged forged agreement to sell dated 30/03/2007 by filing a private complaint under Section 200 Cr.P.C. before the competent Court. The said complaint was considered in detail by the learned Judicial Magistrate First Class, Bilaspur, who, after calling for a police enquiry report and recording evidence of the complainant, dismissed the complaint on merits vide order dated 06/11/2017 holding that no sufficient material existed against the petitioner. The said order attained finality as it was never challenged before any higher forum. Thus, the subsequent registration of FIR on the very same allegations



unmistakably reflects mala fide intention and misuse of criminal process rather than a bona fide prosecution.

8. Though the present FIR being Crime No.68/2018 came to be registered subsequently, the foundational allegations relating to forgery of the agreement to sell dated 30/03/2007 are identical to those which had already been adjudicated upon in the earlier complaint proceedings. Permitting continuation of the present criminal proceedings on the same allegations, despite dismissal of the earlier complaint on merits, would amount to subjecting the petitioner to repeated criminal prosecution on the same cause of action, which is impermissible in law and contrary to the principles of fair administration of criminal justice.
9. The material placed on record further demonstrates that the dispute between the parties is essentially civil in nature arising out of an agreement to sell, possession and eviction proceedings, which are already pending before the competent civil court. In such circumstances, continuation of the criminal proceedings against the petitioner would serve no useful purpose and would merely result in unnecessary harassment and abuse of the process of law.
10. The Supreme Court in ***State of Haryana & Ors. v. Bhajan Lal & Ors.***, AIR 1992 SC 604, has categorically held that where criminal proceedings are manifestly attended with mala fide and are maliciously instituted with an ulterior motive for wreaking



vengeance, the High Court would be justified in exercising its inherent powers to quash such proceedings. The present case clearly falls within the said parameters.

11. In view of the foregoing discussion, this Court is of the considered opinion that allowing the criminal proceedings to continue would result in gross abuse of the process of law and miscarriage of justice. Consequently, the present petition deserves to be allowed.
12. Accordingly, the CRMP is **allowed**. The charge-sheet dated 22.10.2023 and the entire criminal proceedings pending before the learned Chief Judicial Magistrate Bilaspur in Criminal Case No. 8932/2023, arising out of Crime No. 68/2018 registered at Police Station Civil Line, Bilaspur District Bilaspur and cognizance order dated 06.12.2023, are hereby quashed
13. Accordingly, the instant CRMP is **allowed** with the aforesaid direction.

SD/-
(Ravindra Kumar Agrawal)
Judge

SD/-
(Ramesh Sinha)
Chief Justice