



2026:CGHC:13159



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1131 of 2021

Anvesh Mishra S/o Late Sushil Kumar Mishra Aged About 33 Years R/o Maharana Pratap Nagar, Shri Ram Park Colony, Ward No. 01, P. S. Tifra, Bilaspur Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Home Secretary, Government Of Chhattisgarh,

2 - Umesh Pratap Singh S/o Rajendra Pratap Singh R/o Maharana Pratap Nagar, Shree Ram Park Colony, Presently Residing In Yadunandan Nagar, P. S. Tifra, Tifra, Bilaspur Chhattisgarh

3 - Suman Singh W/o Umesh Pratap Singh R/o Maharana Pratap Nagar, Shree Ram Park Colony, Presiding In Yadunandan Nagar, P. S. Tifra, Tifra, Bilaspur Chhattisgarh

4 - Rahul Singh Presently Working As Residing In Amadan, Bhalumada, Tehsil Kotma, District Kotma, District Kotma, Anuppur, Through Area General Manager Jamuna Kotma Area Of South Eastern Coalfields Ltd. Kotma District Anuppur Pin 484444

... **Respondent(s)**

For Petitioner(s)	:	Ms. Priya Mishra, Advocate
For Respondent No.1/State	:	Mr. S.S. Baghel, Government Advocate
For Respondent Nos. 2 to 4	:	Mr. Ravi Kumar Banjare, Advocate

CRMP No. 1113 of 2021

1 - Poonam Mishra D/o Late Suhil Kumar Mishra Aged About 27 Years R/o Maharana Pratap Nagar, Shri Ram Park Colony, Makan No. D/9, Tifra Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Priya Mishra D/o Late Sushil Kumar Mishra Aged About 30 Years R/o Maharana Pratap Nagar, Shri Ram Park Colony, Makan No. D/9, Tifra Bilaspur Chhattisgarh.

... **Petitioner(s)**

**versus**

1 - State Of Chhattisgarh Through Station House Officer, Police Station Sirgitty Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Umesh Singh S/o Rajendra Singh R/o Maharana Pratap Nagar, Shri Ram Park Colony, Makan No. D/7, Presently Residing In Yadunandan Nagar, Police Station Sirgitty, Tifra Bilaspur Chhattisgarh.

3 - Suman Singh W/o Umesh Singh R/o Maharana Pratap Nagar, Shri Ram Park Colony, Makan No. D/7, Presently Residing In Yadunandan Nagar, Police Station Sirgitty, Tifra Bilaspur Chhattisgarh.

4 - Rahul Singh S/o Ajay Singh Presently Working And Residing In Amadand, Bhalumada, Tahsil Kotma, District Anuppur Through Area General Manager , Jamuna Kotma Area Of South Eastern Coalfields Limited Kotma, District Anuppur Madhya Pradesh Pin Code 484444.

... Respondent(s)

For Petitioner(s)	:	Ms. Priya Mishra, petitioner No.2 in Person.
For Respondent No.1/State	:	Mr. S.S. Baghel, Government Advocate
For Respondent Nos. 2 to 4	:	Mr. Ravi Kumar Banjare, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Judgment on Board****19.03.2026**

1. The present petitions under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') have been preferred by the petitioners being aggrieved by the order dated 22.09.2021, passed by the learned Sessions Judge, Bilaspur (C.G.) in Criminal Revision No. 64/2021 and Criminal Revision No. 63/2021, whereby the learned Revisional Court has dismissed the revision and affirmed the order of framing of charge passed by the learned Judicial Magistrate First Class, Bilaspur in Criminal Case No. 2458/2018 arising out of Crime No. 119/2018 registered at Police Station Sirgitti, District Bilaspur (C.G.).



2. Brief facts necessary for disposal of the case that, before the learned trial Court, namely Poonam Mishra and Priya Mishra in Criminal Revision No. 63/2021 and petitioner-Anvesh Mishra in Criminal Revision No. 64/2021, were prosecuted on the basis of a First Information Report lodged by the complainant Suman Singh, wherein Crime No. 119/2018 was registered at Police Station Sirgitti, District Bilaspur (C.G.) for the offences punishable under Sections 294, 506, 323 read with Section 34 of the Indian Penal Code, 1860 (for short, 'IPC') against these three persons.
3. The prosecution case, in brief, is that on 14.04.2018 at about 8:00 PM, upon hearing noise of quarrel outside her house, the complainant/respondent No.3 Suman Singh came out and saw that her husband Umesh Pratap Singh was being abused in filthy language and assaulted by all the three with slippers and a cable wire. When she, along with her son Harsh Singh, intervened to pacify the matter, the petitioner- Anvesh Mishra allegedly caught hold of her hair, threw her on the ground and assaulted her with hands and fists. Further, her son Harsh Singh was pushed by the Poonam Mishra and Priya Mishra, as a result of which he fell on the ground. When her brother Rahul Singh/respondent No.4 intervened, all the three persons also assaulted him. As a result of the said assault, her husband Umesh Pratap Singh sustained injuries on his right wrist, back and left hand and her brother Rahul also sustained injuries.
4. On 03.04.2021, after hearing arguments on the point of charge, the



learned trial Court framed charges against all the three accused persons for the offences punishable under Sections 294, 325 and 323 IPC for allegedly abusing the complainant Umesh Pratap Singh in a public place and voluntarily causing grievous hurt to him and simple hurt to Harsh Singh. Further, charge under Section 506 Part-II IPC was framed for allegedly extending threats to kill the complainant Suman Singh and her husband Umesh Pratap Singh, thereby causing criminal intimidation.

5. Being aggrieved by the said order of framing of charges, the present petitioners/accused (who were revisionists in Criminal Revision No.64/2021 and Criminal Revision No.63/2021) preferred a criminal revision before the revisional Court. The learned revisional Court, after considering the material available on record and the settled legal position with regard to framing of charges, held that at the stage of framing of charge only a prima facie case is to be seen and the defence raised by the accused persons cannot be appreciated. It was further observed that the grounds raised by the revisionists/accused, such as non-seizure of certain articles, non-examination of certain witnesses and alleged inconsistencies in the prosecution case, are matters relating to defence which can be tested during trial and are not sufficient for discharge at the stage of framing of charge. The revisional Court found that there are sufficient grounds for proceeding against the accused persons on the basis of the charge-sheet and accompanying documents and that no illegality or perversity has been committed by the trial Court in framing the charges. Accordingly, Criminal Revision No. 64/2021



and Criminal Revision No. 63/2021, were dismissed. Being aggrieved by the said order passed by the learned revisional Court in Criminal Revision No.64/2021 and Criminal Revision No.63/2021, the present petitioners have preferred the present petition under Section 482 of the Cr.P.C.

6. Ms. Priya Mishra, learned counsel for the petitioner in CRMP No.1131/2021 and petitioner No.2 in person in CRMP No.1113/2021 submits that the petitioners have been falsely implicated in the present cases and the entire prosecution story is a result of biased, unfair and incomplete investigation. It is submitted that one Suman Singh lodged an FIR against the petitioners under Sections 294, 506, 323 read with Section 34 IPC, however, during the course of investigation, statements of only interested witnesses i.e. Umesh Singh, Rahul Singh and Suman Singh were recorded, while material witness Harsh Singh, who was allegedly present at the spot and is a child witness, was neither examined under Section 161 Cr.P.C. nor sent for medical examination. Even the complainant Suman Singh was not medically examined. It is further submitted that though the complainant side themselves disclosed existence of CCTV footage and preparation of a CD, the same were neither properly seized nor brought on record and even the alleged weapon i.e. cable wire was not seized. The X-ray plate was also not produced along with the charge-sheet and appears to have been subsequently inserted without following due procedure. It is contended that statements under Section 161 Cr.P.C. bear signatures and do not disclose the name of the recording officer,



which is in clear violation of law and several witnesses are either interested or related, thereby rendering the investigation doubtful. It is further submitted that even as per the prosecution case, the incident occurred due to provocation by Umesh Singh and initially the quarrel was only between him and the petitioners, therefore, ingredients of Sections 323, 325 and 34 IPC are not made out. No specific obscene words have been alleged so as to attract Section 294 IPC and the incident did not take place at a public place. Further, mere utterance of words without intention or capability to execute the threat does not constitute an offence under Section 506 Part-II IPC. It is also submitted that there exists a counter-case between the parties, wherein the complainant side is an accused and the present case is nothing but a counterblast. In such circumstances, the learned trial Court as well as revisional Court have failed to appreciate the material on record in its proper perspective and continuation of proceedings against the petitioners would amount to abuse of process of law, hence the impugned orders and entire criminal proceedings deserve to be quashed.

7. On the other hand, learned State counsel vehemently opposes the submissions advanced by the learned counsel for the petitioners and contends that both learned trial Court as well as the revisional Court have passed well-reasoned and legally sustainable orders after due consideration of the material available on record. It is submitted that at the stage of framing of charge, only a prima facie case is required to be seen and the Courts below have rightly found sufficient grounds for proceeding against the petitioners. It is further



contended that no illegality, perversity or jurisdictional error has been committed by the Courts below warranting interference by this Court. Hence, it is prayed that the present petitions, being devoid of merit, deserve to be dismissed.

8. Learned counsel for the respondent Nos. 2 to 4 opposes the submissions advanced on behalf of the petitioners and submits that the learned trial Court has rightly framed the charges after due consideration of the material available on record and the said order has been duly affirmed by the revisional Court in Criminal Revision No. 64/2021 and Criminal Revision No. 63/2021 vide order dated 22.09.2021. It is further submitted that there is no illegality or perversity in the impugned orders warranting interference by this Court. It is also contended that there exists a counter-case between the parties, however, the same does not dilute the prima facie case made out against the petitioners. Hence, the present petition, being devoid of merit, deserve to be dismissed.
9. The petitioners, in rejoinder, submits that the present petitions have been filed challenging the order dated 22.09.2021 passed by the learned Sessions Judge, Bilaspur in Criminal Revision No. 64/2021 and Criminal Revision No. 63/2021, whereby the revision preferred against the order dated 03.04.2021 passed by the learned Judicial Magistrate First Class, Bilaspur framing charges in Criminal Case No. 2458/2018 has been dismissed and both the Courts below have failed to appreciate the material available on record in its true perspective. It is reiterated that the prosecution case arises out of



FIR bearing Crime No. 119/2018 lodged by Suman Singh, whereas a counter-case bearing Crime No. 118/2018 is also pending against the complainant side, clearly indicating that the present case is a counterblast. It is further submitted that despite specific directions issued by the Court for fair investigation, the investigating agency has acted in a biased manner, inasmuch as material witnesses were not examined, crucial evidence such as CCTV footage and alleged weapon was not seized and even the X-ray plate was not produced with the charge-sheet but appears to have been subsequently inserted without following due procedure. It is further contended that the investigation is vitiated due to serious procedural irregularities, including recording of statements under Section 161 Cr.P.C. with signatures in violation of Section 162 Cr.P.C., non-disclosure of the identity of the investigating officer and reliance upon interested witnesses, some of whom are either accused in the counter-case or closely related to the complainant side. It is also reiterated that essential ingredients of the alleged offences under Sections 294, 323, 325, 506 and 34 IPC are not made out, as no specific obscene words have been attributed, the alleged incident did not occur at a public place, there was no common intention and the alleged threats were not of such nature so as to constitute criminal intimidation. In such circumstances, it is submitted that both the trial Court as well as the revisional Court have mechanically proceeded without proper application of mind and therefore, the present petitions deserve to be allowed and the impugned orders as well as entire criminal proceedings are liable to



be quashed.

10. I have heard learned counsel for the parties and perused the documents appended with this petition.
11. The Supreme Court in the matter of **State of Haryana and others v. Bhajan Lal and others, 1992 Supp (1) SCC 335** laid down the principles of law relating to the exercise of extraordinary power under Article 226 of the Constitution of India to quash the first information report and it has been held that such power can be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice. In paragraph 102 of the report, their Lordships laid down the broad principles where such power under Article 226 of the Constitution/Section 482 of the CrPC should be exercised, which are as under: -

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are 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.

(2)Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3)Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4)Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5)Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6)Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7)Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that



the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.”

12. The Supreme Court in the matter of **Manoj Kumar Sharma and others v. State of Chhattisgarh and others, (2016) 9 SCC 1** held as under:-

“35. While discussing the scope and ambit of Section 482 of the Code, a similar view has been taken by a Division Bench of this Court in *Rajiv Thapar and others vs. Madan Kal Kapoor* (2013) 3 SCC 330 wherein it was held as under:-

“29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 CrPC, if it chooses to quash the initiation of the prosecution against an accused at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 CrPC, at the stages referred to hereinabove, would have far-reaching consequences inasmuch as it would negate the prosecution’s/complainant’s case without allowing the prosecution/complainant to lead evidence. Such a determination must always



be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 CrPC the High Court has to be fully satisfied that the material produced by the accused is such that would lead to the conclusion that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 CrPC to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a



prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5 If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time,



which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused.”

13. In the matter of **Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673**, the Supreme Court recognized that although the inherent powers of a High Court under Section 482 of the Code of Criminal Procedure should be exercised sparingly, yet the High Court must not hesitate in quashing such criminal proceedings which are essentially of a civil nature. It was held as under:

“12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court.”

(emphasis supplied)

14. Relying upon the decision in **Paramjeet Batra v. State of**



Uttarakhand (supra), the Hon'ble Supreme Court in **Randheer Singh v. State of Uttar Pradesh** has observed that criminal proceedings cannot be permitted to be used as a weapon of harassment. Further, in **Usha Chakraborty v. State of West Bengal**, it has been reiterated that where a dispute which is essentially of a personal nature is given a colour of criminal offence, such proceedings are liable to be quashed by exercising inherent powers under Section 482 of the Code of Criminal Procedure. The principles laid down in **State of Haryana v. Bhajan Lal** and **Manoj Kumar Sharma v. State of Chhattisgarh** (supra) also govern the field.

15. From perusal of the impugned order dated 22.09.2021 passed by the learned Sessions Judge, Bilaspur in Criminal Revision No.64/2021 and Criminal Revision No.63/2021, affirming the order dated 03.04.2021 passed by the learned Judicial Magistrate First Class, Bilaspur in Criminal Case No. 2458/2018 framing charges against the petitioners under Sections 294, 323, 325, 506 Part-II read with Section 34 IPC, it transpires that the trial Court as well a revisional Court have proceeded mechanically without proper appreciation of the material available on record. The record reveals that material witnesses were not examined, including the alleged injured child witness Harsh Singh, the complainant herself was not subjected to medical examination and crucial evidence such as the alleged weapon (cable wire), CCTV footage and X-ray plate were neither properly seized nor produced along with the charge-sheet in accordance with law. It further appears that statements under



Section 161 Cr.P.C. bear signatures in violation of Section 162 Cr.P.C. and even the identity of the investigating officer has not been disclosed. The existence of a counter-case between the parties (Crime No. 118/2018) also indicates that the present proceedings arise out of a personal dispute. Moreover, no specific obscene words have been attributed so as to attract Section 294 IPC and the essential ingredients of the offences alleged are not prima facie made out from the material on record.

16. Considering the submissions made by learned counsel for the parties and in light of the law laid down by the Hon'ble Supreme Court in the aforesaid judgments, this Court is of the considered opinion that the allegations made against the petitioners are inherently improbable and the material collected during investigation does not disclose the commission of the alleged offences. The proceedings appear to be manifestly attended with mala fide and instituted with an ulterior motive and continuation of such proceedings would amount to abuse of the process of law.
17. For the foregoing reasons, the impugned order dated 22.09.2021 passed by the learned Sessions Judge, Bilaspur in Criminal Revision No. 64/2021 as well as Criminal Revision No.63/2021, are hereby set aside. Consequently, the order dated 03.04.2021 passed by the learned Judicial Magistrate First Class, Bilaspur in Criminal Case No.2458/2018 framing charges against the petitioners is also set aside and the entire criminal proceedings arising therefrom are hereby quashed.



18. The present petitions being CRMP No.1131/2021 and CRMP No.1113/2021, under Section 482 CrPC are **allowed** to the extent indicated hereinabove.
19. Office is directed to send a certified copy of this order to the trial Court as well as revisional Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
Chief Justice

Kunal