



2026:CGHC:4103-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2325 of 2025

Ritesh Kumar Choure S/o Siddharth Choure Aged About 37 Years R/o A-55,
Ward No 45- Behind Barfanidham Jeevan Colony, Rajnandgaon
Chhattisgarh

... **Petitioner****versus**

1 - State Of Chhattisgarh Through Director General Of Police , Police
Headquarters, Atal Nagar Nava Raipur Chhattisgarh,

2 - State Of Chhattisgarh Through Ps Bhilai Nagar District - Durg
Chhattisgarh

3 - Kailash Kumar Chandrawanshi S/o Falluram Chandrawanshi R/o Village
Dehri, Ps- Pipariya District - Kabirdham, Chhattisgarh

4 - State Of Chhattisgarh Through Ps Pipariya, District - Kabirdham
Chhattisgarh,

... **Respondents**

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Kishore Bhaduri, Senior Advocate along with Mr. Harsh Dave, Advocate
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For Respondents/State	:	Mr. Saumya Rai, Deputy Govt. 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, C.J.

23/01/2026

- The present writ petition has been filed not against any specific order,
but alleging persistent and unlawful harassment of the Petitioner at the

behest of Respondent No.3, a private individual, who is stated to be misusing police machinery to settle personal scores and exert coercive pressure. It is contended that despite full cooperation in the investigation and even after filing of the charge-sheet, the police authorities, allegedly acting under the influence of Respondent No.3, continue to summon, intimidate and threaten the Petitioner by repeated interrogations, unannounced visits and coercive notices. The grievance raised discloses an allegation of abuse of police powers and sustained interference with the Petitioner's rights, resulting in violation of Articles 14, 19 and 21 of the Constitution of India, thereby constraining the Petitioner to invoke the extraordinary jurisdiction of this Court seeking protection from further harassment and appropriate judicial intervention.

2. The petitioner has filed the present petition with the following prayers:-

"1. That the Hon'ble Court may kindly be pleased to call for the entire record including diary of FIR No. 46/2025 registered at PS Bhilai Nagar, District Durgu/su/s 296, 351(2), 115(2) & 3(5) of BNS 2023.

2. The Hon'ble Court may kindly be pleased to issue appropriate direction to constitute an independent committee headed by a retired judicial officer to look into instant matter and submit its report before this Hon'ble Court.

3. That, the Hon'ble Court may kindly be pleased to issue appropriate direction so as to initiate departmental enquiry against the Respondent No 02 and the other officials involved in the present case.

4. That, the Hon'ble Court may kindly be pleased to direct the concerned Respondents to not to initiate any legal/coercive action against the present petitioner in leu

of FIR No. 46/2025 registered at PS Bhilai Nagar, District Durg u/s u/s 296, 351(2), 115(2) & 3(5) of BNS 2023.

5. That, the Hon'ble Court may kindly be pleased to direct the concerned Respondents to not to initiate any legal/coercive action against the present petitioner in leu of Notice dated 18.07.2025 (Annex P/4)

6. The Hon'ble Court may kindly be pleased to grant any other relief in favor of the petitioner as the Hon'ble Court may deem fit and proper under the facts and circumstances of the present matter.”

3. Learned Senior Advocate appearing for the Petitioner would submit that the Petitioner has already been granted anticipatory bail in the present matter.
4. On the other hand, learned counsel appearing for the State would submit that the FIR, which has been lodged against the Petitioner, after due investigation, charge-sheet has already been submitted before the trial Court on 14.05.2025. At this stage, no interference is warranted in view of the judgment of the Apex Court passed in **Criminal Appeal No. 330 of 2021 (M/s Neeharika Infrastructure Pvt. Ltd. Vs. The State of Maharashtra & others)** and therefore, the present petition is liable to be dismissed.
5. We have heard learned counsel for the parties and perused the documents annexed with the petition.
6. In **M/s. Neeharika Infrastructure Pvt. Ltd. v. The State of Maharashtra and others**, AIR OnLine 2021 SC 192, the Hon'ble Supreme Court in Para 23 held as under:

“23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/ or “no coercive steps to be adopted”, during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or “no coercive steps to be adopted” during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/ FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;**
- ii) Courts would not thwart any investigation into the cognizable offences;**
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;**
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty);**
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;**
- vi) Criminal proceedings ought not to be scuttled at the initial stage;**

vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;"

7. In view of the aforesaid submissions and considering the fact that the charge-sheet has already been filed and the Petitioner is protected by an order of anticipatory bail, as also, in view of the law laid down by the Hon'ble Supreme Court in the case of "**M/s. Neeharika Infrastructure Pvt. Ltd.**" (supra), we do not find any good ground to interfere in the petition and to quash the FIR No. 46/2025, registered at P.S. Bhilai Nagar, District Durg under Sections 296, 351(2), 115(2) & 3(5) of BNS, 2023. Accordingly, this petition is hereby **dismissed**.
8. It is made clear that we have not expressed any opinion on the merits of the case. However, it is made clear that the Petitioner is at liberty to avail appropriate remedies available in accordance with law, if so advised, in respect of the charge-sheet or any proceedings arising therefrom.

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

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