



CGHC010411852024

2026:CGHC:30588-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 3334 of 2024

1 - Monika Jain (Pet. In Person) W/o Shri Vishal Jain Aged About 35 Years
R/o Purana Galla, Mandi Mind, Madhya Pradesh.

2 - Pinki Jain D/o L. L. Jain Aged About 34 Years R/o Purana Galla, Mandi
Mind, Madhya Pradesh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Police Station Dongargarh, District
Rajnandgaon, Chhattisgarh.

2 - Shilpi Jain Agrawal W/o Shri Virat Agrawal Aged About 32 Years R/o 10
Platinum Plaza Mata Mandir Ke Paas, Thana T.T. Nagar, Bhopal, Madhya
Pradesh.

... Respondent(s)

(Cause title taken from Case Information System)

For Petitioner(s) :Mr. Shashi Kumar Kushwaha, Advocate.

For State/ Respondent No. 1 :Mr. Anusha Naik, Dy. Govt. Advocate.

For Respondent No. 2 :Mr. Ishan Verma, Advocate.

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

Order on Board

Per Ramesh Sinha, Chief Justice

20/07/2026

1. Heard Mr. Shashi Kumar Kushwaha, learned counsel for the petitioner.
Also heard Ms. Anusha Naik, learned Dy. Govt. Advocate, appearing for the

State/Respondent No. 1 and Mr. Ishan Verma, learned counsel appearing for the Respondent No. 2.

2. The petitioner has filed the present petition praying for quashment of First Information Report No. 621/2023, the Final Report/Charge-sheet bearing No. 477/2023, and the entire criminal proceedings in Criminal Case No. 1763/2023 arising therefrom pending before the competent Court.

3. The brief facts of the case are that the respondent No. 2 lodged FIR No. 621/2023 dated 02.10.2023 at Police Station Dongargarh, District Rajnandgaon, for an offence punishable under Section 379 of the Indian Penal Code, alleging theft of two diamond bangles and two diamond rings valued at approximately Rs. 5,17,000 from a room/shop allotted to her at Chandragiri Digambar Jain Temple, Dongargarh, during the Paryushan festival. On completion of investigation, the police filed Final Report/Charge-sheet No. 477/2023, giving rise to Criminal Case No. 1763/2023 against the present petitioners. According to the petitioners, they had visited the temple only for religious observance and were staying there from 18.09.2023 to 30.09.2023 after taking a religious vow under the guidance of Acharya Shri Vidyasagar Maharaj. It is their case that they have been falsely implicated merely on the basis of suspicion, despite the FIR having initially been registered against unknown persons. The petitioners further contend that there was an unexplained delay in lodging the FIR, that Respondent No. 2 had allegedly sold the jewellery in question and an amount of Rs. 5,00,000 was subsequently seized from her by the police, thereby rendering the allegations of theft false. The petitioners also allege that they were illegally abducted from Gwalior, wrongfully confined, and coerced into transferring Rs. 1,00,000 through PhonePe to the account of the complainant's brother under threats, and were thereafter falsely implicated in the present criminal case.

On these allegations, the petitioners have approached this Court seeking quashment of the FIR, charge-sheet and the consequential criminal proceedings.

4. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in the present case and that the entire prosecution is an abuse of the process of law. It is submitted that the alleged incident of theft is stated to have occurred on 30.09.2023 at about 7:15 p.m., whereas the FIR was lodged only on 02.10.2023 without any plausible explanation for the delay. It is further contended that the complainant had allegedly sold the jewellery herself and that the police seized an amount of Rs. 5,00,000/- from her during the course of investigation, which completely belies the allegation of theft. He further submits that although the FIR was initially registered against unknown persons, the petitioners were subsequently implicated merely on suspicion. It is also argued that there are material inconsistencies between the remand papers, seizure memos and the alleged recoveries, particularly with regard to the seizure of cash, thereby casting serious doubt on the fairness and credibility of the investigation. It is further contended that the alleged memorandum and recovery under Section 27 of the Indian Evidence Act have been fabricated and cannot be relied upon.

5. Learned counsel would further submit that the petitioners were illegally abducted from Gwalior, wrongfully confined at Dongargarh and coerced into transferring Rs. 1,00,000/- through PhonePe to the account of the complainant's brother under threat and intimidation. It is submitted that the petitioners were thereafter falsely implicated in the present case with the ulterior motive of extorting money and usurping the property of petitioner No. 1. He would also submit that complaints regarding the alleged abduction and

extortion were lodged before the competent authorities at Gwalior. On the strength of these submissions, it is contended that the allegations contained in the FIR are inherently improbable, malicious and actuated by ulterior motives, and that the continuation of the criminal proceedings would amount to an abuse of the process of the Court. It is, therefore, prayed that the FIR, the charge-sheet and all consequential criminal proceedings be quashed in exercise of the powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Per contra, learned State counsel appearing for respondent No. 1 would oppose the petition and submit that the impugned FIR was registered on the basis of a cognizable offence and that, upon completion of a fair and proper investigation, sufficient incriminating material was collected against the petitioners, culminating in the filing of Final Report/Charge-sheet No. 477/2023. It is submitted that the allegations made by the petitioners regarding false implication, delay in lodging the FIR, contradictions in the seizure proceedings, alleged fabrication of evidence, and the plea of abduction and extortion involve disputed questions of fact, which cannot be adjudicated in the exercise of inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. She would further submit that the charge-sheet discloses a prima facie case against the petitioners and that the truthfulness, admissibility and evidentiary value of the material collected during investigation are matters to be examined by the trial Court during the course of trial. It is, therefore, contended that no case for quashment of the FIR, charge-sheet or the consequential criminal proceedings is made out and the present petition deserves to be dismissed.

7. Learned counsel appearing for respondent No. 2 would vehemently

oppose the petition and submit that the present petition is wholly misconceived and is nothing but an attempt to frustrate a legitimate criminal prosecution. It is submitted that the FIR was lodged on 02.10.2023 in respect of the theft of valuable diamond jewellery worth Rs. 5,17,000/-, and upon completion of a fair investigation, sufficient material was collected against the petitioners, including memoranda and recoveries, culminating in the filing of the charge-sheet. Learned counsel would submit that the slight delay in lodging the FIR has been satisfactorily explained, as the complainant was making inquiries at the temple premises and was also awaiting the outcome of the Temple Trust's internal inquiry before approaching the police. It is further submitted that the allegations of kidnapping, illegal confinement, extortion and forcible transfer of Rs. 1,00,000/- through PhonePe are false, inherently improbable and constitute a counterblast to the criminal proceedings initiated against the petitioners. He would further contend that the petitioners have deliberately misread and misrepresented the seizure documents and have raised disputed questions of fact which can only be adjudicated during trial on appreciation of evidence. Placing reliance on the decisions of the Hon'ble Supreme Court in *State of Telangana v. Habib Abdullah Jeelani*, (2017) 2 SCC 779, *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, (2021) 19 SCC 401, *R.P. Kapur v. State of Punjab*, AIR 1960 SC 866 and *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, learned counsel would submit that the inherent jurisdiction of this Court cannot be invoked for conducting a mini trial or for examining the correctness of disputed factual issues. It is, therefore, prayed that as the FIR and the charge-sheet disclose the commission of a cognizable offence and no exceptional circumstance warranting quashment is made out, the present petition deserves to be dismissed.

8. We have heard learned counsel for the parties and perused the material annexed with the petition.

9. The Hon'ble 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.”

9. Having heard learned counsel for the parties at length and perused the material available on record. The scope of interference by this Court in exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is no longer *res integra*. The Hon'ble Supreme Court in *Manoj Kumar Sharma and others v. State of Chhattisgarh and others*, (2016) 9 SCC 1, while approving the principles laid down in *Rajiv Thapar v. Madan Lal Kapoor*, (2013) 3 SCC 330, has held that where the material produced by the accused is of sterling and impeccable quality, is incapable of being justifiably refuted, and completely displaces the allegations levelled by the prosecution, the High Court would be justified in exercising its inherent jurisdiction to prevent abuse of the process of the Court and to secure the ends of justice.

10. In the present case, the material placed on record by the petitioners *prima facie* creates serious doubt regarding the very genesis of the prosecution. The alleged incident is stated to have taken place on 30.09.2023, whereas the FIR came to be lodged on 02.10.2023. Though an explanation has been offered by respondent No. 2, the record further discloses that the FIR was initially registered against unknown persons and the petitioners were subsequently implicated on the basis of suspicion alone. Significantly, the documents relied upon by the petitioners disclose material inconsistencies regarding the alleged recoveries and seizure proceedings, including contradictions between the remand papers and seizure memos with respect to the amount allegedly recovered from the petitioners. The petitioners have also placed material to show that an amount of Rs. 5,00,000/- was seized from respondent No. 2 during investigation, which, according to them, supports their defence that the jewellery had already been

disposed of by the complainant herself. These circumstances have not been satisfactorily explained by the respondents.

11. Equally significant are the allegations made by the petitioners regarding their illegal abduction from Gwalior, wrongful confinement and coercion to transfer Rs. 1,00,000/- through PhonePe to the account of the complainant's brother. The petitioners have also produced material showing that complaints in this regard were submitted before the competent authorities at Gwalior. The chronology of events and the documentary material produced by the petitioners lend prima facie support to their plea that the criminal proceedings have been initiated with an oblique motive. The material relied upon by the petitioners is of such nature that it substantially undermines the prosecution version and renders the continuation of the criminal proceedings highly doubtful.

12. This Court is conscious of the settled principle that disputed questions of fact are ordinarily not to be examined while exercising inherent jurisdiction. However, where the material placed before the Court is of sterling and impeccable quality and is sufficient to displace the very foundation of the prosecution, the High Court would be justified in preventing abuse of the process of law. In the facts of the present case, permitting the petitioners to undergo the rigours of a criminal trial despite the glaring inconsistencies appearing from the record would amount to permitting abuse of the process of the Court and would not serve the ends of justice. The present case, therefore, falls within the parameters laid down in *Manoj Kumar Sharma* (supra), *Rajiv Thapar v. Madan Lal Kapoor*, (2013) 3 SCC 330, *R.P. Kapur v. State of Punjab*, AIR 1960 SC 866 and Category (7) of *State of Haryana v.*

Bhajan Lal, 1992 Supp (1) SCC 335.

13. Accordingly, the petition deserves to be and is hereby allowed. First Information Report No. 621/2023 registered at Police Station Dongargarh, District Rajnandgaon, Final Report/Charge-sheet No. 477/2023 and the entire consequential proceedings in Criminal Case No. 1763/2023 pending before the learned Judicial Magistrate First Class, Dongargarh, District Rajnandgaon, against the present petitioners are hereby quashed. The petition stands **allowed**. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Alok