



2026:CGHC:3795-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 3545 of 2024

1. Purshottam Verma S/o Shri Kunjram Verma Aged About 34 Years
R/o Surajpura, Taluka - Bhatapara, District - Balodabazar-
Bhatapara, Chhattisgarh.
2. Chudamani Verma S/o Shri Kunjram Verma Aged About 25 Years
R/o Surajpura, Taluka - Bhatapara, District - Balodabazar-
Bhatapara, Chhattisgarh.

... Petitioner(s)

versus

1. State of Chhattisgarh Through S.H.O., P.S. Bhatapara City,
District - Balodabazar-Bhatapara, Chhattisgarh.
2. Jitendra Kumar Sharma S/o Vinod Sharma Aged About 37 Years
R/o Nayapara Ward Bhatapara, Tahsil - Bhatapara, District -
Balodabazar-Bhatapara, Chhattisgarh.
3. Pinki Sharma W/o Jitendra Kumar Sharma Aged About 35 Years
R/o Nayapara Ward Bhatapara, Tahsil - Bhatapara, District -
Balodabazar-Bhatapara, Chhattisgarh.

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioners	:	Ms. Madhunisha Singh, Advocate.
For Respondent/State	:	Mr. Shailendra Sharma, Panel Lawyer.
For Respondents No. 2 & 3	:	Mr. Manoj Sinha, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

22.01.2026

1. Heard Ms. Madhunisha Singh, learned counsel for the petitioners. Also heard Mr. Shailendra Sharma, learned Panel Lawyer, appearing for the State/respondent No. 1 and Mr. Manoj Kumar Sinha, learned counsel, appearing for the respondents No. 2 and 3.
2. The present petition has been filed by the petitioners with the following prayers:

“A. the charge-sheet filed by the respondent No. 1 bearing final report No. 87 of 2022 dated 18.04.2022 in FIR No. 47 of 2022 dated 26.01.2022 registered in Police Station Bhatapara City District Balodabazar-Bhatapara (C.G.) under Section 420, 34 of IPC along with the order of taking cognizance of charge-sheet dated 18.04.2022 by learned JMFC Bhatapara under Section 420/34 of IPC (Annexure P/1); and

B. the order of framing charge dated 12.08.2024 in Criminal Case No. 118 of 2022 under Section 420

read with Section 34 of the IPC by learned JMFC Bhatapara, District Balodabazar-Bhatapara (C.G.) (Annexure P/2), both are apparently bad in law, as such liable to be set aside by this Hon'ble Court."

3. Learned counsel for the petitioners submits that the petitioners No. 1 and 2 are real brothers and are law-abiding citizens having no criminal antecedents. It is submitted that the present criminal proceedings have been initiated against them arising out of a private dispute which is essentially civil in nature. He further submits that the complainant, Jitendra Sharma (respondent No. 2), lodged a complaint alleging that the petitioners had received an amount of Rs. 20,00,000/- each, partly through cheque and partly in cash, from him and his wife Pinky Sharma (respondent No. 3) for the sale of agricultural land situated at village Surajpura and, despite receiving the said amount, failed to execute the sale deed. It was further alleged that one Charamani Verma subsequently sold the said land to Raju Das Vaishnav. On the basis of the aforesaid allegations, an FIR dated 26.01.2022 bearing Crime No. 47/2022 came to be registered at Police Station Bhatapara City, District Balodabazar–Bhatapara (C.G.), for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code (IPC).

4. It is further contended by learned counsel for the petitioners that the allegations made in the FIR are false, baseless, and have been deliberately exaggerated. According to him, the entire dispute relates to

an alleged sale of land and a money transaction, which is purely civil in character, but has been intentionally given a criminal colour with an ulterior motive to harass and pressurize the petitioners. He further submits that, in reality, the petitioners had taken a loan of Rs. 5,00,000/- each from the complainant for their personal needs and, as security for the said loan, the private respondents obtained the signatures of the petitioners on certain documents purported to be an agreement to sell land. It is contended that such documents were never intended to be acted upon as a sale transaction.

5. Learned counsel for the petitioners further submits that on 05.05.2019, the petitioners repaid the entire loan amount of Rs.5,00,000/- each to the private respondents in the presence of Rupas Verma. The factum of repayment has been duly affirmed by Rupas Verma by way of an affidavit dated 02.12.2024, which clearly establishes that no amount is due or payable by the petitioners. It is further submitted that even after receipt of the entire loan amount, the private respondents have misused the alleged agreement documents and have chosen to initiate both civil and criminal proceedings against the petitioners with mala fide intention. It is also pointed out that respondent No. 1 has filed a civil suit for specific performance against petitioner No. 2 being Civil Suit No. A/6/2023 and respondent No. 2 has filed another civil suit for specific performance against petitioner No. 1 being Civil Suit No. A/4/2023, both of which are pending adjudication before the learned Civil Court, Bhatapara.

6. Learned counsel for the petitioners submits that the filing and pendency of the aforesaid civil suits clearly demonstrate that the complainant himself treats the dispute as civil in nature and is seeking enforcement of alleged contractual rights through civil remedies. It is further contended that the allegations made in the complaint and the FIR, even if taken at their face value and accepted in their entirety, do not disclose the essential ingredients of an offence under Section 420 read with Section 34 of the IPC, inasmuch as there is no allegation or material to show dishonest or fraudulent intention on the part of the petitioners at the inception of the transaction. Reliance has been placed on the judgments of the Hon'ble Supreme Court in ***Mohd. Ibrahim v. State of Bihar***, reported in **(2009) 8 SCC 751**, ***Robert John D'Souza v. Stephen V. Gomes***, reported in **(2015) 9 SCC 96**, and ***Vesa Holdings (P) Ltd. v. State of Kerala***, reported in **(2015) 8 SCC 293**.

7. It is further submitted that the present criminal proceedings have been initiated only to harass, intimidate, and coerce the petitioners into succumbing to the illegal demands of the private respondents, despite the dispute being sub judice before competent civil Courts. Learned counsel submits that such use of criminal machinery amounts to abuse of the process of law. Reliance is placed on the decisions of the Hon'ble Supreme Court in ***Paramjeet Batra v. State of Uttarakhand***, reported in **(2013) 11 SCC 673** and ***Randheer Singh v. State of U.P.***, reported in **(2021) 14 SCC 626** to contend that the inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') is meant to prevent such abuse. It is contended that the

charge-sheet bearing No. 87/2022 dated 18.04.2022, the order taking cognizance dated 18.04.2022, and the order framing charge dated 12.08.2024 passed by the learned JMFC, Bhatapara in Criminal Case No. 118/2022 are illegal, arbitrary, and unsustainable in law.

8. *Per contra*, learned State counsel and learned counsel appearing for respondents No. 2 and 3 opposed the petition. They submit that the allegations made in the FIR disclose commission of a cognizable offence and that the petitioners, having received a substantial amount, failed to execute the sale deed. It is contended that the mere availability of a civil remedy does not bar criminal prosecution and that disputed questions of fact cannot be adjudicated in proceedings under Section 528 of the BNSS. According to them, the charge-sheet has been filed after due investigation and the learned trial Court has rightly taken cognizance and framed charges, which do not call for interference at this stage.

9. We have heard learned counsel for the parties at length and have carefully perused the pleadings as well as the documents annexed with the petition.

10. On a careful examination of the FIR bearing Crime No. 47/2022 dated 26.01.2022 and the material placed on record, it is apparent that the allegations arise out of a transaction relating to sale of land and alleged non-execution of a sale deed. The record further reveals that both respondents No. 1 and respondent No. 2 have already availed civil remedies by filing civil suits for specific performance, which are pending

adjudication before the competent Civil Court at Bhatapara. The pendency of these civil suits clearly indicates that the dispute between the parties is predominantly civil in nature. No material has been placed on record to prima facie establish that the petitioners had any dishonest or fraudulent intention at the inception of the transaction, which is a sine qua non for constituting an offence under Section 420 of the IPC.

11. In view of the settled legal position laid down by the Hon'ble Supreme Court in the aforementioned decisions, this Court is of the considered opinion that allowing the criminal proceedings to continue would amount to abuse of the process of law. Consequently, the FIR bearing Crime No. 47/2022 dated 26.01.2022, the charge-sheet bearing No. 87/2022 dated 18.04.2022, the order taking cognizance dated 18.04.2022, and the order framing charge dated 12.08.2024 passed by the Learned JMFC, Bhatapara in Criminal Case No. 118/2022 under Section 420 read with Section 34 of the IPC are hereby quashed. The petition is accordingly **allowed**.

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

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