



CGHC010146142024

2026:CGHC:37070-DB

NAFR

## **HIGH COURT OF CHHATTISGARH AT BILASPUR**

### **CRMP No. 1512 of 2024**

**1 - Atul Rathore S/o Shri Mahendra Rathore Aged About 35 Years R/o Sainagar, Uslapur, Bilaspur, District - Bilaspur, Chhattisgarh.**

**2 – XYZ**

**3 - Shailendra Lahre S/o Hiraram Lahre Aged About 35 Years R/o Sainagar, Uslapur, Bilaspur, District - Bilaspur, Chhattisgarh.**

**4 - Nitesh Lahre S/o Hiraram Lahre Aged About 37 Years R/o Sainagar, Uslapur, Bilaspur, District - Bilaspur, Chhattisgarh.**

**5 - Shashi Lahre W/o Late Shri Hiraram Lahre Aged About 57 Years R/o Sainagar, Uslapur, Bilaspur, District - Bilaspur, Chhattisgarh.**

**6 - Abhishek Rathore S/o Shri Mahendra Rathore Aged About 36 Years R/o Sant Marg, Gandhi Nagar, Indore (M.P.)**

**... Petitioner(s)**

**versus**

**1 - State Of Chhattisgarh Through The Secretary, Department Of Home (Police), Mahanadi Bhawan, Capital Complex, Mantralaya, Atal Nagar, Nawa Raipur, District - Raipur, Chhattisgarh.**

**2 - Director General Of Police Service Officer Police Head Quarter (Phq), Raipur, District - Raipur, Chhattisgarh.**

**3 - Arvind Kujur Currently Posted As Commandant, 3rd Battalion, Amleshwar, Durg, Chhattisgarh.**

**4 - The Station House Officer Police Station - Maudhapara, District - Raipur, Chhattisgarh.**

**5 - The Station House Officer Police Station - Kumhari, District - Durg, Chhattisgarh.**

**6** - The Station House Officer Police Station - Bhilai 3 (Old Bhilai), District - Durg, Chhattisgarh.

**7** - The Station House Officer Police Station Jarhagaon, District - Mungeli, Chhattisgarh.

**8** - The Station House Officer Police Station - City Kotwali, District - Mungeli, Chhattisgarh.

**9** - The Station House Officer Police Station - City Kotwali, District - Bemetara, Chhattisgarh.

**10** - Piyush Tiwari S/o Basant Tiwari Aged About 33 Years R/o New Colony, Tikrapara, Police Station - Tikrapara, District - Raipur, Chhattisgarh.

**... Respondent(s)**

---

For Petitioner(s) : Mr.Aman Saxena, Advocate

For Respondents : Mr.Ashish Shukla, Additional Advocate  
No.1, 2 and 4 to 9 General

For Respondent : Ms.Smriti Ekka, Advocate  
No.3

For Respondent : Mr.Raza Ali, Advocate  
No.10

---

**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**Per Ramesh Sinha, Chief Justice**

**19.08.2026**

1. Heard Mr.Aman Saxena, learned counsel for the petitioners as well as Mr.Ashish Shukla, learned Additional Advocate General appearing for respondents No.1, 2 and 4 to 9, Ms.Smriti Ekka, learned counsel appearing for respondent No.3 and Mr.Raza Ali, learned counsel appearing for respondent No.10.

2. By way of this petition under Section 482 CrPC the petitioners have prayed for following relief:-

*“1. It is, therefore, prayed that this Hon'ble Court may kindly be pleased to call for the entire records relating to the case of the petitioners for its kind perusal.*

*2. That, this Hon'ble Court may kindly be pleased to quash the Impugned FIR passed in Crime No. 107/2019 that is falsely registered against the petitioners annexed herewith as Annexure P/1.*

*3. That, this Hon'ble Court may kindly be pleased to quash the entire criminal proceedings including the chargesheet No. 146/2019 initiated against the petitioners arising from FIR No. 107/2019 dated 28.04.2019 annexed herewith as Annexures P/2 as being malafide and abuse of the process of law.*

*4. That, this Hon'ble Court may kindly be pleased to direct the respondent no. 1 and 2 to conduct disciplinary enquiry against respondent 3 as per applicable law for malicious abuse of law and weaponizing it against innocent citizens and take action to set up an example for the rest of the police force which abuses the law.*

*5. That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to compensate the petitioners as well as award costs of litigation as the false and fabricated reports were lodged by the police officers against them and they are facing mental and physical harassment since last 3 years.*

*6. That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favour of the petitioners,*

*which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioners.”*

3. Facts of the case are that Petitioner No. 2 came into contact with Respondent No. 10, Piyush Tiwari, in 2017. He allegedly represented himself as an unmarried police officer and promised to marry her. On that representation, a relationship developed and sexual relations were established. She later discovered that he was already married and, when she sought marriage, he allegedly refused, including on the ground of her caste. Petitioner No. 2 subsequently married Petitioner No. 1 on 05.04.2018 through Arya Sanskar Kendra, Bilaspur. Their families subsequently accepted the marriage. After the marriage, Respondent No. 10 allegedly threatened Petitioner No. 2 to continue the relationship and threatened to circulate her private photographs if she refused. When she did not comply, a complaint was allegedly lodged against her, resulting in Crime No. 107/2019, registered under Sections 384 and 507 IPC.
4. According to the Petitioners, Crime No. 107/2019 was only the beginning of a series of eight criminal cases instituted against Petitioner No. 1, Petitioner No. 2 and their family members. The Petitioners allege that Respondent No. 10, with the assistance and influence of Respondent No. 3, the then SP Arvind Kujur, used the police machinery to repeatedly implicate them in false and fabricated cases. An agreement dated 06.11.2019 was

allegedly relied upon for initiating another criminal case, Crime No. 192/2019. The Petitioners contend that the signatures and thumb impression attributed to Petitioner No. 2 on the agreement were forged, and that handwriting-expert opinion supported their contention. Petitioner No. 2 further alleged that on 25.10.2019, Respondent No. 10 took her to a hotel, administered an intoxicating substance and sexually assaulted her while threatening her with regard to the release of her family members from custody. Her subsequent complaint resulted in Crime No. 05/2020 under Sections 376, 384 and 420 IPC and Section 3(2) (va) of the SC/ST (Prevention of Atrocities) Act. The Petitioners allege that Respondent No. 10 enjoyed close relations with Respondent No. 3, Arvind Kujur, and that the latter misused his official position to facilitate the repeated registration and prosecution of cases against the Petitioners and their family members.

5. The Petitioners approached the DGP and the State Human Rights Commission. Pursuant to directions issued by the authorities, the SP, Mungeli submitted reports dated 20.09.2021 and 09.03.2022, which, according to the Petitioners, found them innocent and recorded that subordinate police officials had acted on the directions of SP Arvind Kujur. The Petitioners challenged all eight criminal proceedings collectively before the Chhattisgarh High Court in W.P. No. 793/2022. By order dated 31.03.2022 (as referred to in the pleadings), the Court did not examine the merits

of each prosecution but held that separate criminal proceedings arising from different offences and police stations could not appropriately be challenged through a single petition. Liberty was reserved to the Petitioners to challenge the individual proceedings separately. Pursuant to the liberty granted by the High Court, the Petitioners have challenged the order framing charges and the entire criminal proceedings arising from FIR/Crime No. 107/2019, including Chargesheet No. 146/2019, contending that the prosecution is false, frivolous, vexatious and malicious and amounts to abuse of the process of law.

6. On the complaint of Petitioner No. 2, the DGP, Chhattisgarh constituted a Special Investigation Team (SIT). The SIT report dated 30.06.2024, relied upon by the Petitioners and annexed as Annexure R/1 to the State's affidavit, reportedly found that the then SP Arvind Kujur had maliciously used the State machinery against Petitioner No. 2 and her family members. Following the SIT findings, Arvind Kujur was suspended and subjected to departmental enquiry. He has subsequently retired from service. The Petitioners rely upon these subsequent developments as corroborating their allegation of misuse of police machinery.
7. Respondent No. 10, Piyush Tiwari, was subsequently acquitted by this Hon'ble Court in CRA No. 1294/2024) by the judgment dated 21.04.2025. Consequently, the present pleadings identify Petitioner No. 2 by name, Priyanka Lahare, rather than by the

earlier reference to her as a protected victim. Hence, this petition.

8. Learned counsel for the Petitioners submits that the present criminal proceedings are a clear abuse of the process of law and have been initiated and continued with an ulterior motive of personal vengeance. It is submitted that the present FIR cannot be considered in isolation, as it forms part of a larger series of criminal cases instituted against the Petitioners and their family members at the instance of Respondent No. 10, Piyush Tiwari, and persons closely connected with him. Learned counsel submits that the sequence of events, the identity of the complainants, the repeated implication of the same family members, the dates of registration of the FIRs, the dates of arrest and bail, the official postings of Respondent No. 3, Arvind Kujur, and the subsequent SIT inquiry, when considered cumulatively, disclose a continuing pattern in which the criminal process was allegedly used to harass and pressurise the Petitioners and their family members. Learned counsel submits that the record of the connected criminal cases clearly demonstrates this pattern. In Crime No. 107/2019, registered at Police Station Maudhapara, Raipur, the complainant is Piyush Tiwari himself and the accused include Atul Rathore, Priyanka Lahre, Shashi Lahre and Heeraram Lahre. The trial in the said case has been stayed by this Hon'ble Court in CRMP No. 1512/2024. In Crime No. 192/2019, registered at Police Station Kumhari, Durg, Piyush Tiwari is again the complainant and Atul Rathore, Shailendra

Lahre, Heeraram Lahre and Priyanka Lahre are accused; a closure report has been filed in that case. In Crime No. 412/2020, registered at Police Station Old Bhilai, Durg, Piyush Tiwari is again the complainant and substantially the same members of the Lahre family are accused; a closure report has also been filed in that case.

9. Learned counsel further submits that the pattern continued in the cases registered in Mungeli during the year 2021. In Crime No. 14/2021, registered at Police Station Jarhagaon, Mungeli, Piyush Tiwari himself is again the complainant and the accused include Shailendra Lahre, Priyanka Lahre, Shashi Lahre, Abhishek Lahre, Anuj Gupta and Atul Rathore. The proceedings in the said case have been stayed by this Hon'ble Court in CRMP No. 1531/2024. In Crime No. 58/2021, also registered at Jarhagaon, the complainant is Abhishek Gajelwar, who is stated to be the driver of Piyush Tiwari, and the accused again include Priyanka Lahre, Nitesh Lahre, Abhishek Lahre, Anuj Gupta and Atul Rathore. The proceedings in that case have been stayed in CRMP No. 1533/2024. In Crime No. 243/2021, registered at City Kotwali, Mungeli, the complainant is Nishant Fuljhele, stated to be a friend of the driver of Piyush Tiwari, and substantially the same persons are again made accused. The proceedings in that case have been stayed in CRMP No. 1550/2024. Finally, in Crime No. 328/2021, registered at City Kotwali, Mungeli, the complainant is Aditya Singh, stated to be a friend of Piyush Tiwari, and again Priyanka

Lahre, Shailendra Lahre, Abhishek Lahre, Anuj Gupta and Atul Rathore are made accused. A closure report has been filed in the said case.

10. Learned counsel submits that the above chronology is a significant circumstance for examining the allegation of mala fide. In the first four cases, the complainant is Piyush Tiwari himself. In the subsequent cases, the complainants are persons closely connected with him, namely, his driver or persons described as his friends or associates. Thus, according to the Petitioners, the complainants in the different cases do not appear to be independent persons having no connection with the original dispute. Learned counsel submits that the identity and relationship of the complainants are relevant for understanding the background and motive of the prosecution. It is not the Petitioners' submission that the relationship of a complainant with Respondent No. 10, by itself, establishes that an offence was not committed. The submission is that, when this circumstance is considered along with the repeated implication of the same family members, the chronology of the cases, the arrest pattern, the postings of Respondent No. 3 and the subsequent SIT findings, it becomes a relevant circumstance for examining whether the criminal process was being used for a collateral purpose.

11. Learned counsel submits that the chronology of the registration of the cases also assumes importance. The first case, Crime No. 107/2019, was registered at Police Station Maudhapara, Raipur,

on 28.04.2019. The Petitioners' case is that the complaint was made immediately around the time of the marriage of Priyanka Lahre with Petitioner No. 1, Atul Rathore. Thereafter, Crime No. 192/2019 was registered at Police Station Kumhari, Durg, on 22.10.2019, followed by Crime No. 412/2020 at Police Station Old Bhilai, Durg. The proceedings thereafter continued with a series of cases in Mungeli in 2021, namely Crime No. 14/2021 at Jarhagaon, Crime No. 58/2021 at Jarhagaon, Crime No. 243/2021 at City Kotwali and Crime No. 328/2021 at City Kotwali. Learned counsel submits that the sequence shows that the Petitioners and their family members were repeatedly brought into criminal proceedings over a period of nearly three years.

12. Learned counsel submits that another important feature is the repeated implication of substantially the same persons. Priyanka Lahre is an accused in almost all the cases. Atul Rathore, her husband, is also repeatedly made an accused, while Shailendra Lahre, Abhishek Lahre, Anuj Gupta and other members of the family are repeatedly implicated. Learned counsel submits that the original dispute, according to the Petitioners, was essentially a personal dispute between Priyanka Lahre and Piyush Tiwari. However, the criminal proceedings gradually extended to her husband and other family members. This circumstance, according to learned counsel, supports the Petitioners' contention that the object was not confined to investigation of an individual offence

but was to place continuous criminal pressure upon Priyanka Lahre and her family.

13.Learned counsel further submits that the dates of arrest and bail also disclose a disturbing pattern. In Crime No. 107/2019, the members of the family were arrested on different dates beginning from 24.06.2019 and were subsequently released on bail. In Crime No. 192/2019, arrests followed soon after registration of the FIR. In the Mungeli cases, the Petitioners again faced repeated arrests. In Crime No. 58/2021, arrests were made on 14.04.2021 and bail was subsequently granted. In Crime No. 243/2021, the record specifically shows the arrest of the accused from "Jail" on 09.06.2021, followed by bail on 28.10.2021. Likewise, in Crime No. 328/2021, the accused were shown to have been arrested from "Jail" on 16.08.2021 and bail was granted on 28.10.2021.

14.Learned counsel submits that the fact that the arrest in Crime Nos. 243/2021 and 328/2021 was shown as being made from "Jail" is of particular relevance. According to the Petitioners, it indicates that fresh criminal proceedings were being used against persons who were already in custody in connection with another case. The practical effect was that even when the Petitioners obtained bail in one case, their release could be frustrated by their arrest in another case. Learned counsel submits that such a course of conduct, if viewed cumulatively with the repeated registration of FIRs, amounts to misuse of the arrest process and substantially diluted the benefit of orders granting bail. The

Petitioners rely upon this circumstance to demonstrate the manner in which the criminal process was allegedly used to keep them under continuous pressure.

15.Learned counsel submits that the record further discloses a correlation between the registration of the criminal cases and the official postings of Respondent No. 3, Arvind Kujur. At the relevant time, Respondent No. 3 was posted as AIG, CID, PHQ, Raipur, from 01.01.2019 to 09.08.2020. During this period, Crime No. 107/2019, Crime No. 192/2019 and Crime No. 412/2020 were registered in Raipur and Durg. Thereafter, Respondent No. 3 was posted as SP, Mungeli, from 10.08.2020 to 02.07.2021, during which period Crime No. 14/2021, Crime No. 58/2021 and Crime No. 243/2021 came to be registered in Mungeli. Subsequently, Crime No. 328/2021 was registered during the period when Respondent No. 3 was posted as SP, Bemetara, from 02.07.2021 to 04.12.2021.

16.Learned counsel fairly submits that the mere fact of an officer holding a particular posting cannot, by itself, establish misuse of power or mala fide. However, it is submitted that the relevance of the postings lies in their cumulative connection with the other circumstances placed on record. The Petitioners rely upon the fact that the criminal proceedings appear to have followed the geographical areas in which Respondent No. 3 was holding senior positions, coupled with the allegation that he was closely associated with Respondent No. 10. Learned counsel submits that

this circumstance assumes greater significance in view of the subsequent SIT inquiry and the departmental action against Respondent No. 3.

17.Learned counsel further submits that the ultimate status of several of the connected cases also deserves consideration. Crime No. 192/2019 resulted in a closure report. Crime No. 412/2020 also resulted in a closure report. Crime No. 328/2021 resulted in Closure Report No. 10/2021. Proceedings arising from Crime Nos. 107/2019, 14/2021, 58/2021 and 243/2021 have been stayed by this Hon'ble Court in the respective criminal miscellaneous petitions. Learned counsel submits that the Petitioners do not rely upon these facts to contend that every allegation in every FIR stands judicially disproved. Rather, these subsequent developments are relied upon as relevant circumstances showing that a substantial number of criminal proceedings initiated against the Petitioners did not proceed in the ordinary manner and that the allegation of a larger pattern of prosecution cannot be brushed aside at the threshold.

18.Learned counsel submits that the above circumstances are further strengthened by the SIT inquiry constituted by the DGP, Chhattisgarh, on the complaint of Petitioner No. 2. The SIT submitted its report dated 30.06.2024. According to the Petitioners, the SIT found that the then SP, Arvind Kujur, had misused the State machinery against Priyanka Lahre and her family members. Learned counsel submits that the SIT report is

particularly important because it is not merely a document prepared by the Petitioners themselves; it is the result of an inquiry constituted by the State police authorities. The report has also been placed on record by the State as **Annexure R/1** to its affidavit. Learned counsel therefore submits that the allegation of misuse of police machinery now has substantial material on record which requires consideration by this Hon'ble Court.

19. Learned counsel further submits that the subsequent action against Respondent No. 3 is also relevant. Following the findings relied upon by the Petitioners, Arvind Kujur was suspended, a departmental inquiry was initiated against him and he subsequently retired from service. Learned counsel submits that these subsequent developments cannot be ignored while considering the allegation that the present prosecution was pursued with the assistance or influence of the police machinery. The Petitioners submit that these developments provide independent support to their allegation of mala fide and make the present case materially different from an ordinary case in which mala fide is alleged merely as a defence by an accused person.

20. Learned counsel submits that the factual genesis of the entire dispute lies in the relationship between Petitioner No. 2, Priyanka Lahre, and Respondent No. 10, Piyush Tiwari. According to the Petitioners, Priyanka Lahre came into contact with Piyush Tiwari in 2017 and he represented himself as an unmarried police officer and proposed marriage to her. A relationship thereafter developed

between them. Priyanka Lahre subsequently came to know that Piyush Tiwari was already married. She decided to end the relationship and thereafter married Atul Rathore. Learned counsel submits that, according to the Petitioners, Piyush Tiwari did not accept the end of the relationship and wanted Priyanka Lahre to continue the relationship with him and leave her husband. When she refused, the criminal proceedings commenced.

21.Learned counsel submits that the timing of the first criminal complaint is particularly significant in this background. The Petitioners' marriage was scheduled around 19.04.2019, whereas the complaint leading to Crime No. 107/2019 was made on 18.04.2019 and the FIR was registered on 28.04.2019. According to the Petitioners, this close proximity between the personal dispute, the marriage and the initiation of the first criminal case gives rise to a strong circumstance regarding the motive behind the complaint. Learned counsel submits that the first FIR should therefore be examined in the context in which it came to be lodged and not as an isolated accusation.

22.Learned counsel submits that the present petition specifically concerns Crime No. 107/2019 and Chargesheet No. 146/2019. The FIR was lodged by Piyush Tiwari himself and contains allegations against the Petitioners under Sections 384, 507, 120-B, 389 and 201 of the IPC. The allegation, in substance, is that Priyanka Lahre was sending obscene photographs to Piyush Tiwari with an intention to blackmail him and extort money from

him. The Petitioners deny the allegations and submit that the complaint was fabricated and motivated by the personal dispute between Priyanka Lahre and Piyush Tiwari.

23.Learned counsel submits that the allegation in the present FIR must be considered along with the subsequent conduct of the parties. If the present case were an isolated criminal complaint, the Petitioners' submission might have been examined only on the allegations and material forming part of that particular case. However, the subsequent registration of several cases against the same family, by the same complainant and persons closely connected with him, makes the surrounding circumstances relevant for determining whether the present prosecution was instituted bona fide or for a collateral purpose. Learned counsel submits that the subsequent cases are therefore relied upon not for conducting a mini-trial in those cases but for demonstrating the alleged motive, background and pattern of prosecution.

24.Learned counsel submits that the present case falls within the principles laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***. It is submitted that the Supreme Court has recognized the power of the High Court to interfere where a criminal proceeding is manifestly attended with mala fide or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance due to a private or personal grudge. Learned counsel submits that the present case is one where the allegation of personal vengeance is

supported by a combination of circumstances and is not based upon a bare assertion.

25.Learned counsel submits that the relevant circumstances, taken cumulatively, include the original personal relationship between Priyanka Lahre and Piyush Tiwari; the alleged representation by Piyush Tiwari regarding his marital status; the subsequent breakdown of the relationship; the marriage of Priyanka Lahre with Atul Rathore; the timing of the first complaint; the repeated criminal cases against the same family; the fact that Piyush Tiwari himself was complainant in several cases; the fact that the subsequent complainants were persons closely connected with him; the repeated arrests, including arrests from jail; the correlation between the registration of cases and the postings of Respondent No. 3; the closure reports in several cases; the stay of proceedings in other cases; and the subsequent SIT inquiry and departmental action concerning Respondent No. 3.

26.Learned counsel submits that these circumstances have to be considered cumulatively and not separately. It is submitted that the Petitioners are not inviting this Hon'ble Court to conduct a detailed appreciation of evidence or to determine disputed questions which properly belong to trial. Their submission is that the admitted or undisputed chronology and the documents placed on record disclose the extraordinary circumstances in which the present prosecution has been continued. The Petitioners submit that the question before this Hon'ble Court is whether, in view of

the subsequent developments and the overall circumstances, allowing the present criminal proceedings to continue would serve the ends of justice or would instead amount to permitting the criminal process to be used as an instrument of harassment.

27.Learned counsel further submits that the inherent jurisdiction of this Hon'ble Court under Section 482 of the Code of Criminal Procedure is intended to prevent abuse of the process of law and to secure the ends of justice. The power is required to be exercised carefully and sparingly, but it is equally well settled that where the continuation of a criminal proceeding would itself result in injustice or abuse of process, the High Court is competent to intervene. According to the Petitioners, the present case is one where the surrounding circumstances, subsequent investigation and the pattern of proceedings justify such intervention.

28.Learned counsel submits that the Petitioners have already suffered prolonged criminal proceedings and repeated arrests arising out of what they contend is a single underlying personal dispute. The repeated initiation of criminal cases against the same family, followed in some cases by closure reports and in other cases by orders staying the proceedings, has caused continuing prejudice to the Petitioners. Learned counsel submits that criminal law cannot be permitted to become a means by which a private dispute is converted into a continuing series of criminal proceedings against an entire family.

29.Learned counsel also places before this Hon'ble Court the subsequent development that Piyush Tiwari was acquitted by this Hon'ble Court in CRA No. 1294/2024, by the judgment dated 21.04.2025. Learned counsel submits that the said subsequent judicial development is relevant to the overall history of the dispute and the subsequent course of the criminal proceedings. It is fairly submitted that the said acquittal is not, by itself, determinative of the present petition, which concerns Crime No. 107/2019. However, it forms part of the subsequent history which, according to the Petitioners, ought to be kept in view while considering whether the present prosecution should be allowed to continue.

30.Learned counsel submits that the present case is therefore not merely a case where the accused seek quashing on the ground that the evidence is insufficient. The Petitioners' case is that the very initiation and continuation of the criminal process are tainted by mala fide and that the surrounding circumstances disclose an ulterior purpose. The Petitioners rely particularly upon the pattern of complainants, repeated implication of the same family members, the chronology of arrests and bail, arrests from jail in subsequent cases, the official postings of Respondent No. 3, the closure reports, the stay orders passed in connected proceedings, and the subsequent SIT findings concerning the alleged misuse of police machinery.

31.Learned counsel, therefore, submits that continuation of the proceedings arising out of Crime No. 107/2019 would serve no

useful purpose and would cause further injustice to the Petitioners. The Petitioners submit that the present case falls within the category of cases in which the inherent jurisdiction of this Hon'ble Court is required to be exercised to prevent abuse of the process of law and to secure the ends of justice. Learned counsel accordingly prays that this Hon'ble Court may be pleased to quash FIR/Crime No. 107/2019 registered at Police Station Maudhapara, Raipur, Chargesheet No. 146/2019 arising therefrom, the order framing charges and all consequential criminal proceedings arising out of the said FIR, in the interest of justice.

32. On the other hand, learned counsel appearing for Respondent No. 10, opposing the submissions advanced on behalf of the Petitioners, submits that the allegations of mala fide, personal vengeance and misuse of the criminal process are wholly denied. It is submitted that the Petitioners are attempting to create a common thread between several distinct criminal cases merely on the basis that some of the accused persons are common. The existence of more than one criminal case, by itself, does not establish that the cases were instituted pursuant to any concerted design or at the instance of Respondent No. 10. Each criminal case has to be examined on the basis of its own facts, allegations and material collected during investigation. Learned counsel specifically denies the contention that the complaints lodged by persons other than Respondent No. 10 were, in substance,

complaints made at his instance or on his behalf. It is submitted that the mere fact that a complainant was a driver, friend, acquaintance, associate or otherwise known to Respondent No. 10 does not establish that such person acted as his proxy. There is no material placed on record to demonstrate that Respondent No. 10 instructed, instigated, procured, financed or otherwise controlled the lodging of any such complaint. The Petitioners cannot, merely by referring to the relationship between Respondent No. 10 and the complainants, presume the existence of agency, collusion or common intention. The complaints lodged by such persons cannot be attributed to Respondent No. 10 in the absence of specific and cogent material establishing such nexus.

33. Learned counsel submits that the Petitioners themselves have fairly conceded that the mere relationship of a complainant with Respondent No. 10 does not, by itself, establish that no offence was committed. Having made such concession, the Petitioners cannot nevertheless rely upon such relationship as a substantive circumstance to establish mala fide. The identity of a complainant is relevant only to the extent that there is material demonstrating that the complaint was actuated by or made at the instance of another person. In the present case, no such material has been demonstrated. Consequently, the allegation that the subsequent complaints constituted a continuing campaign of prosecution engineered by Respondent No. 10 is merely an inference drawn

by the Petitioners and cannot furnish a valid ground for quashing the present proceedings.

34. Learned counsel further submits that the repeated implication of some of the same accused persons in different criminal cases also does not establish any common design or abuse of process. If the same persons are alleged to have been involved in different incidents, their being named in more than one FIR cannot, by itself, render the proceedings malicious. The Petitioners are seeking to infer mala fide merely from the identity of the accused persons, without demonstrating that the allegations in the respective cases were fabricated or that Respondent No. 10 had procured or engineered those proceedings. The mere repetition of names in different FIRs cannot substitute for proof of a connection between the cases. Learned counsel submits that the reliance placed by the Petitioners upon the chronology of registration of the various FIRs is equally misplaced. The fact that criminal cases were registered at different points of time over a period of years does not, by itself, establish that the cases were deliberately instituted to harass the Petitioners. The circumstances leading to each FIR are separate matters and have to be considered in accordance with the allegations and material pertaining to that particular case. The Petitioners cannot convert a sequence of dates into proof of mala fide in the absence of any specific material demonstrating that Respondent No. 10 orchestrated the subsequent proceedings.

35. With regard to the submission concerning repeated arrests and, particularly, arrests shown to have been made from "Jail", learned counsel submits that such circumstance cannot, by itself, establish misuse of the arrest process. An accused already in custody in one criminal case may, subject to the procedure prescribed by law, be arrested in connection with another case in which his involvement is alleged. The Petitioners cannot presume that every subsequent arrest was undertaken with the object of frustrating an order of bail. The legality or propriety of an arrest in a particular case has to be examined in the proceedings arising out of that case and cannot automatically be treated as evidence of mala fide in the present prosecution. Learned counsel further submits that the reliance upon the official postings of Respondent No. 3, Arvind Kujur, is also insufficient to establish any nexus between Respondent No. 10 and the alleged misuse of police machinery. The mere fact that Respondent No. 3 was holding a particular office or was posted in a particular district when certain FIRs were registered cannot lead to the conclusion that such FIRs were instituted at the instance of Respondent No. 10. No direct, independent or legally sustainable material has been shown connecting Respondent No. 10 with any alleged exercise of influence by Respondent No. 3. The Petitioners are essentially seeking to establish mala fide through a chain of circumstances based upon coincidence of postings and registration of criminal cases, which cannot, without further material, amount to proof of

collusion or abuse of power. Learned counsel submits that even the subsequent SIT inquiry and departmental proceedings concerning Respondent No. 3 cannot automatically establish that the present FIR was falsely instituted at the instance of Respondent No. 10. Any finding relating to the conduct of a police officer has to be examined in the factual and legal context in which such finding was recorded. The subsequent action against an officer, even if taken by the competent authorities, cannot by itself retrospectively invalidate an FIR registered several years earlier, particularly where investigation has been completed, chargesheet has been filed and the allegations in the present case are required to be tested on the basis of the material collected during investigation. Learned counsel, however, submits that the reliance placed by the Petitioners upon the SIT report suffers from an additional and fundamental infirmity. At the time when the SIT was constituted and the inquiry was undertaken, Respondent No. 10 was in judicial custody. Owing to his incarceration, he was not afforded a proper, effective and meaningful opportunity to participate in the inquiry, place his version on record, produce relevant material or controvert the allegations made against him. To the extent the SIT report contains observations or findings adverse to Respondent No. 10, the same were thus arrived at in an inquiry conducted behind his back and without affording him an effective opportunity of hearing.

36. Learned counsel submits that the SIT report, therefore, cannot be treated as a final or binding adjudication against Respondent No. 10, particularly in respect of allegations concerning his alleged role or influence. The principles of fairness and natural justice require that a person against whom adverse conclusions are sought to be relied upon should have a meaningful opportunity to meet the allegations. Since Respondent No. 10 was in custody and was not given such effective opportunity, the findings of the SIT, insofar as they concern or prejudice Respondent No. 10, cannot be treated as conclusive proof of mala fide or misuse of police machinery. At the highest, the report may constitute a piece of material whose evidentiary value would have to be assessed in appropriate proceedings and in accordance with law. Learned counsel further submits that the Petitioners cannot rely upon the SIT report as an independent and conclusive circumstance for quashing the present prosecution when the very findings relied upon by them are disputed by Respondent No. 10. The fact that the report was prepared pursuant to an inquiry constituted by the State does not dispense with the requirement of examining whether Respondent No. 10 was given a fair opportunity to participate in the inquiry. The SIT report cannot be elevated to the status of a judicial determination, particularly when Respondent No. 10 had no effective opportunity to defend himself before the authority conducting the inquiry. Learned counsel further submits that the closure reports filed in some of the connected cases also

do not advance the Petitioners' case. A closure report in one criminal case is confined to the facts and material pertaining to that case and cannot, without more, establish that another criminal proceeding involving the same persons is false or malicious. Similarly, the orders staying proceedings in other cases are interim orders and cannot be construed as findings that the allegations in those cases were fabricated or that Respondent No. 10 had engineered them. The Petitioners cannot treat such case-specific developments as conclusive proof of mala fide in the present proceedings. Learned counsel submits that the reliance placed upon **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, is also misconceived. The principles laid down therein do not mean that every allegation of personal enmity or mala fide must result in quashing of a criminal proceeding. As such, the petition deserved to be dismissed.

37. We have heard learned counsel for the parties, considered the rival submissions made hereinabove and also perused the pleadings made in the petition and affidavit filed by the State.

38. In the present case, the Additional Superintendent of Police (Rural), Raipur, District Raipur Chhattisgarh and OIC of the case has filed his personal affidavit on 8.8.2024, which states as under:-

“1. That, I am presently posted as Addl. Superintendent of Police (Rural), Raipur, District – Raipur, Chhattisgarh and as such am aware of the facts and circumstances of the

case.

2. The petitioners have filed the instant petition praying for quashment of order framing charges in Crime No. 107/2019 of Police Station Moudhapara, Raipur for the offences punishable U/s 384, 507, 120-B, 389 & 201 of IPC and for quashing the entire criminal proceedings pending before the Court of Judicial Magistrate First Class, Raipur in Criminal Case No. 11406/2019. They also prayed for conducting disciplinary enquiry against respondent No. 3 and to compensate the petitioners and award the cost of litigation.

3. That upon receiving complaints from one Sushila Rathore & others, a Special Investigation Team [SIT] was directed to be constituted by the Director General of Police, Chhattisgarh vide memo dated 13/05/2022 and the Inspector General of Police, Raipur Range, Raipur on 09/11/2022, constituted a 10 member SIT for enquiring into the complaints. In furtherance, the SIT conducted a detailed enquiry into each of the offences registered against the petitioners.

4. That on 30/06/2024, based on the report submitted by the SIT, the Inspector General of Police, Raipur Range submitted his summary to the Director General of Police, Chhattisgarh indicating therein that all the 8 offences registered against the petitioners were fabricated and also expressed complicity of respondent No. 3 in the entire episode pertaining to registration of offences against the petitioners in Districts Mungeli & Bemetara. A copy of the report submitted by the Inspector General of Police, Raipur Range to the Director General of Police, Chhattisgarh dated 30/06/2024, is being filed herewith as **ANNEXURE R-1**.

5. That in respect of Crime No. 107/2019, in the instant case, it has been found in the investigation conducted by the SIT that the Investigating Officer acted in a negligent manner, therefore, upon directions of the Inspector General of Police, Raipur Range dated 29/06/2024, disciplinary proceedings has been directed against him.

6. As regards prayer made by the petitioners for compensation & cost of litigation, it is respectfully submitted that the higher police authorities acted upon complaints made by Sushila Rathore & others and have taken cognizance thereof and found that Mr. Piyush Tiwari was hand in gloves with his close associates working in the Police Department, in the matter. Therefore, the State / police authorities cannot be held responsible. It is respectfully submitted that in the peculiar circumstances of the case, the liability for payment of compensation / cost of litigation cannot be fastened on the State authorities in these proceedings.

7. That there were as many as 8 offences registered against the petitioners and out of these 8 offences, 4 were registered in District Mungeli, 2 at Durg and one each at Bemetara and Raipur. Out of these 8 offences after investigation, closure reports have been submitted in one case of Bemetara in Crime No. 740/2021. one case of Mungeli in Crime No. 328/2021 of Police Station Kotwali, one case of Durg in Crime No. 412/2020 of Police Station Old Bhilai, Durg. One case of Police Station Kumhari under Crime No. 192/2019 is in the process of submission of closure report before the concerned jurisdictional Magistrate. There is another case of Police Station - Kotwali of District Mungeli registered as Crime No. 243/2021 about which the SIT has found that the

concerned Investigating Officer was negligent in making investigation for which a departmental enquiry has been ordered by the Superintendent of Police, Mungeli. However, it is respectfully submitted that in respect of this, Charge Sheet No. 374/2021 & Supplementary Charge Sheet No. 1557/2024 have already been filed in the Court of jurisdictional Magistrate. A summary chart of the cases prepared in this regard is being filed as **ANNEXURE R-2**.

8. It is further respectfully submitted that the Director General of Police, Chhattisgarh has made a report to the State Government to institute disciplinary proceedings against respondent No. 3 vide his letter dated 08/07/2024. A copy of the letter dated 08/07/2024, is being filed herewith as **ANNEXURE R-3**.”

39. Having heard learned counsel for the parties, perused the pleadings, the documents placed on record and, in particular, the personal affidavit dated 08.08.2024 filed by the Additional Superintendent of Police (Rural), Raipur, who is also the Officer-in-Charge of the present case, this Court proceeds to examine whether the continuation of the criminal proceedings arising out of Crime No. 107/2019 would amount to an abuse of the process of law.

40. At the outset, this Court is conscious of the limited scope of interference in exercise of inherent jurisdiction under Section 482 of the Code of Criminal Procedure. The power is extraordinary and is to be exercised sparingly, cautiously and in the interest of justice. Ordinarily, the High Court does not undertake an elaborate appreciation of evidence, adjudicate disputed questions of fact or

examine the probable defence of an accused as if conducting a trial. At the same time, the inherent jurisdiction is intended to prevent abuse of the process of any Court and to secure the ends of justice. Where the material placed before the Court, even at the stage of considering a petition under Section 482 CrPC, discloses circumstances demonstrating that continuation of the criminal prosecution would result in manifest injustice or would amount to permitting the criminal process to be used for an ulterior or collateral purpose, the Court would not be justified in declining to exercise its jurisdiction merely because a chargesheet has already been filed.

41. The principles governing the exercise of jurisdiction under Section 482 CrPC stand settled by the Supreme Court in **Bhajan Lal (supra)**. The illustrative categories indicated therein include cases where the 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 due to private and personal grudge. It is equally well settled that the categories indicated in **Bhajan Lal (supra)** are illustrative and not exhaustive. The ultimate consideration before the Court is whether, in the peculiar facts and circumstances of a case, permitting the criminal prosecution to continue would advance the cause of justice or would result in abuse of the process of law. The Court must, therefore, examine the material placed before it in its proper perspective and not in isolation.

42. In the present case, an important circumstance which cannot be overlooked is the subsequent inquiry conducted by the police authorities themselves into the series of criminal cases registered against the Petitioners. The personal affidavit filed by the Additional Superintendent of Police (Rural), Raipur, specifically states that, pursuant to complaints made by Sushila Rathore and others, a Special Investigation Team was constituted by the competent police authorities for conducting an inquiry into the offences registered against the Petitioners. The affidavit further records that, on the basis of the SIT inquiry, the Inspector General of Police, Raipur Range, submitted a summary dated 30.06.2024 to the Director General of Police, Chhattisgarh, recording that the eight offences registered against the Petitioners were fabricated and also recording the complicity of Respondent No. 3, Arvind Kujur, in the episode relating to registration of the offences against the Petitioners in the concerned districts. The significance of this material lies in the fact that it does not emanate solely from the Petitioners. The material has been brought on record by the State itself through the affidavit of the concerned police officer. Thus, the Court is not called upon to accept, merely on the assertion of the Petitioners, that the criminal proceedings were fabricated. There is subsequent official material which lends substantial support to the allegation that the series of criminal proceedings required investigation at the departmental level and that serious irregularities were found in their initiation and investigation.

43. The present petition is concerned with Crime No. 107/2019 registered at Police Station Moudhapara, Raipur. The State's affidavit specifically refers to this very case. It records that, in the investigation conducted by the SIT in respect of Crime No. 107/2019, the Investigating Officer was found to have acted negligently and that, pursuant to the directions of the Inspector General of Police, Raipur Range dated 29.06.2024, disciplinary proceedings were directed against him. This circumstance is of particular relevance. The present prosecution cannot be examined merely by observing that the allegations contained in the FIR were investigated and a chargesheet was subsequently filed. The very investigation which resulted in the chargesheet has subsequently been examined by a competent police authority and has been found sufficiently wanting to warrant disciplinary action against the Investigating Officer. The Court is not, by referring to the said finding, recording a final finding of misconduct against the Investigating Officer. The disciplinary proceedings are to take their own course in accordance with law. However, for the limited purpose of examining whether continuation of the criminal prosecution would be an abuse of process, the fact that disciplinary proceedings were directed on account of the manner in which the investigation of the present case was conducted is a relevant and material circumstance.

44. The Court also finds it necessary to examine the present FIR in the factual setting in which it is alleged to have arisen. The

material placed before the Court indicates that eight criminal cases came to be registered against the Petitioners and their family members between 2019 and 2021. In several of those cases, Piyush Tiwari was the complainant, whereas in some of the subsequent cases the complainants were persons stated to be associated or connected with him. Substantially the same persons were repeatedly implicated. It is true that the mere registration of several FIRs against the same persons does not, by itself, establish mala fide. Likewise, the fact that a complainant in one case knows or is associated with the complainant in another case cannot, standing alone, establish that the subsequent prosecution was instituted at the instance of the former. However, the Petitioners do not rely upon any one of these circumstances in isolation. Their case is founded upon the cumulative effect of the repeated criminal proceedings, the identity of the accused persons, the chronology of the proceedings, the subsequent status of several cases and, most importantly, the findings recorded in the SIT inquiry. The Court is of the view that, for the limited purpose of exercising jurisdiction under Section 482 CrPC, these circumstances are relevant in determining whether the present prosecution can legitimately be permitted to continue notwithstanding the subsequent official findings.

45. The record further indicates that some of the connected criminal cases culminated in closure reports, while proceedings in certain other cases were stayed by this Court. This Court is conscious

that a closure report in one criminal case does not automatically establish that another criminal case is false. Likewise, an interim order staying proceedings cannot be treated as a final adjudication on the merits of the allegations contained in that FIR. The Court, therefore, does not treat these developments as conclusive proof of the innocence of the Petitioners or of the falsity of every allegation made against them. Nevertheless, when several criminal proceedings arise against substantially the same persons, and a number of those proceedings subsequently culminate in closure reports or remain stayed, such developments constitute relevant surrounding circumstances. Their significance becomes greater when they are considered together with the subsequent SIT inquiry, which, according to the State's own affidavit, recorded that the eight offences were fabricated.

46. Another circumstance which, in the considered opinion of this Court, assumes relevance while examining the allegation of mala fide is the relationship between the complainants in the different criminal proceedings instituted against the Petitioners and their family members. The record indicates that the complainant in the present Crime No. 107/2019 is Respondent No. 10, Piyush Tiwari himself. In some of the subsequent criminal proceedings, the complainants are persons closely connected with Respondent No. 10. As noticed from the material placed on record, one of the complainants i.e. Rupa Tiwari is the wife of Respondent No. 10, Abhishek Gajalwar is stated to be his driver, and Nishant Fulzele

is stated to be his friend. Thus, the persons who set the criminal law in motion in the different proceedings were not wholly unconnected or independent persons having no discernible relationship with the principal complainant in the present case. This circumstance, by itself, would certainly not establish that the subsequent complaints were lodged at the instance of Respondent No. 10 or that the allegations contained therein were false. A person does not become a proxy merely because such person happens to be related to, employed by, or acquainted with another person. The Court is conscious of this limitation and does not draw any such conclusion merely from the relationship between the complainants. However, the relevance of this circumstance lies in its cumulative effect. The present FIR was lodged by Respondent No. 10 himself, and thereafter a series of criminal cases came to be registered against substantially the same Petitioners and their family members, in which the complainants included persons closely associated with Respondent No. 10, including his wife, his driver and his friend. When this circumstance is considered alongside the repeated implication of substantially the same members of the Petitioners' family, the chronology of the criminal proceedings, the repeated arrests, the subsequent closure reports and stay orders in several connected cases, and, most importantly, the findings recorded in the subsequent SIT inquiry, it assumes considerable significance in assessing the Petitioners' allegation that the criminal process

was being employed as a means of exerting continuous pressure upon them.

47. The Court therefore considers the relationship of the complainants with Respondent No. 10 to be a relevant surrounding circumstance, and not an independent or conclusive circumstance establishing mala fide.

48. This Court is not holding that the wife, driver or friend of Respondent No. 10 could not have independently lodged a genuine complaint or that the mere existence of such relationship renders their respective allegations false. The Court is also not adjudicating upon the correctness of the allegations contained in those separate criminal proceedings. What is relevant for the present purpose is that the criminal proceedings against the Petitioners did not arise from a series of wholly unrelated and independent complainants. Rather, the record discloses a recurring connection between the complainants and Respondent No. 10, coupled with the repeated implication of substantially the same persons belonging to the Petitioners' family. This circumstance, when considered along with the other material on record, including the subsequent findings of the SIT that all eight criminal cases were fabricated and the specific finding of negligent investigation in Crime No. 107/2019, lends further support to the Petitioners' contention that the present prosecution cannot be viewed as an isolated criminal proceeding, but must be examined in the context of the larger course of events. The Court, therefore,

considers the interrelationship between the complainants to be one of the relevant circumstances forming part of the cumulative assessment of mala fide and abuse of process, though it is not, by itself, treated as determinative of the issue.

49. The Petitioners have also relied upon the official postings of Respondent No. 3, Arvind Kujur, during the period when the various criminal proceedings came to be registered. The Court accepts the submission of Respondent No. 10 that mere coincidence between the posting of an officer and registration of criminal cases cannot, by itself, establish collusion, influence or mala fide. Ordinarily, no adverse inference could legitimately be drawn merely because an officer happened to be posted in a particular district when an FIR was registered there. The factual position in the present case, however, is distinguishable because the allegation concerning Respondent No. 3 did not remain at the stage of an assertion made by the Petitioners. The State's own affidavit records that the SIT found complicity of Respondent No. 3 in the episode concerning registration of the offences against the Petitioners. The affidavit further records that the Director General of Police, Chhattisgarh, submitted a report to the State Government for institution of disciplinary proceedings against Respondent No. 3 vide letter dated 08.07.2024. Thus, while the Court does not treat the fact of posting as proof of mala fide by itself, the subsequent official findings concerning Respondent No.

3 lend material significance to the Petitioners' allegation regarding misuse of police machinery.

50. This Court is equally conscious of the objection that the issues raised by the Petitioners involve disputed questions of fact. The Court is not called upon, in the present proceedings, to determine whether each allegation contained in the FIR is true or false, nor is it called upon to assess the credibility of the complainant or the witnesses. The Court is also not examining the sufficiency or otherwise of individual pieces of evidence as would ordinarily be done at the stage of trial. The exercise undertaken by this Court is confined to examining the legal effect of the circumstances which are either undisputed or emerge from official material placed on record, particularly the material contained in the State's own affidavit.

51. The question is whether, in the peculiar circumstances now brought before the Court, the continuation of the prosecution arising out of Crime No. 107/2019 would further the administration of criminal justice or would amount to permitting an abuse of the process of law.

52. The fact that the SIT report was submitted in 2024, whereas the FIR was registered in 2019, does not render the subsequent inquiry irrelevant. The subsequent material is not being relied upon as an unrelated event occurring years after the institution of the prosecution. The SIT inquiry was specifically undertaken to

examine the very series of criminal cases which constitute the factual background of the present petition. More importantly, the State itself has placed the SIT findings on record. The subsequent inquiry, therefore, has a direct bearing upon the manner in which the criminal proceedings were initiated and investigated. The Court is not required to accept the SIT report as a judicial determination of the rights or liabilities of the parties. Its relevance, at this stage, lies in the fact that a competent police authority, after conducting an inquiry into the series of cases, recorded findings adverse to the manner in which those proceedings had been initiated and investigated. The specific finding concerning Crime No. 107/2019, namely, that the Investigating Officer acted negligently and that disciplinary proceedings were directed against him, assumes particular significance in the present petition.

53. Learned counsel appearing for Respondent No. 10 has contended that Respondent No. 10 was in custody when the SIT inquiry was conducted and that he was not afforded an effective opportunity to place his case before the SIT.

54. The Court has considered the said objection. The SIT report is not being treated as a binding adjudication against Respondent No. 10, nor is any finding of criminal liability being recorded against him on the basis of the said report. The Court is only examining the report as one piece of subsequent official material for determining whether continuation of the present prosecution would amount to an abuse of process. The question of the

evidentiary value of the SIT report, the correctness of its findings and the consequences thereof in any disciplinary or other proceeding may be determined by the competent authority in accordance with law. However, the absence of a full adjudicatory hearing before the SIT does not render the report wholly irrelevant for the limited purpose of considering the exercise of inherent jurisdiction, particularly when the report has been placed on record by the State itself and has resulted in consequential administrative action. Furthermore, the conclusion reached by this Court is not founded exclusively upon the SIT report. It rests upon the cumulative effect of the SIT findings, the specific finding concerning the investigation of Crime No. 107/2019, the subsequent disciplinary action, the status of the connected cases and the overall circumstances emerging from the record. The Court is of the considered view that the present case cannot appropriately be decided by examining each circumstance separately. The relevant circumstances which emerge from the record are:

- i. Crime No. 107/2019 was the first in a series of criminal proceedings involving the Petitioners and their family members;
- ii. substantially the same persons were repeatedly implicated in the subsequent criminal proceedings;
- iii. Piyush Tiwari was himself the complainant in several of the cases, while in some subsequent cases the

complainants were persons stated to be connected with him;

iv. the Petitioners were subjected to repeated criminal proceedings and arrests over a considerable period;

v. several of the connected proceedings subsequently culminated in closure reports, while proceedings in certain other cases were stayed;

vi. the police authorities themselves constituted an SIT to inquire into the complaints concerning the series of cases;

vii. the State's own affidavit records that, on the basis of the SIT inquiry, the eight offences were found to be fabricated;

viii. the SIT inquiry specifically found negligence in the investigation of Crime No. 107/2019 and disciplinary proceedings were directed against the Investigating Officer;

ix. the State's affidavit records the complicity of Respondent No. 3 in the episode relating to registration of the offences; and

x. the Director General of Police, Chhattisgarh, recommended initiation of disciplinary proceedings against Respondent No. 3.

No single circumstance, considered independently, would necessarily justify quashing of the proceedings. The Court's conclusion rests upon the cumulative effect of the aforesaid circumstances and, in particular, upon the fact that the allegations of misuse of police machinery have subsequently received substantial support from an official inquiry conducted by the police authorities themselves.

55. The mere filing of a chargesheet does not create an irrebuttable presumption that the criminal prosecution must necessarily proceed to trial in every circumstance. Ordinarily, once investigation is complete and a chargesheet is filed, the Court exercises considerable restraint in interfering with the prosecution. However, where subsequent material of unimpeachable or substantial official character comes on record and demonstrates circumstances going to the very foundation of the prosecution, the Court is not powerless to intervene merely because the chargesheet has already been filed. In the present case, the chargesheet in Crime No. 107/2019 is sought to be continued despite the subsequent official inquiry specifically finding negligence in the investigation of the same case and despite the State's own affidavit recording the broader finding that the eight criminal cases were fabricated. In these peculiar circumstances, compelling the Petitioners to undergo a full-fledged criminal trial would not serve the ends of justice. Rather, it would subject them to the continuation of a prosecution whose initiation and investigation have subsequently been seriously questioned by the competent police authorities themselves.

56. In view of the aforesaid discussion, this Court is satisfied that the present case falls within the ambit of the principles recognised in **Bhajan Lal** (supra), particularly the category relating to criminal proceedings manifestly attended with mala fide and proceedings instituted or continued with an ulterior motive.

57. The conclusion is not being reached merely because the Petitioners have alleged personal enmity or mala fide. Nor is the Court proceeding on the basis that the existence of several FIRs necessarily establishes a conspiracy against the Petitioners. Rather, the conclusion is founded upon the peculiar combination of circumstances in the present case, including the subsequent official inquiry, the finding that the eight offences were fabricated, the specific finding of negligent investigation in the present case, and the initiation of disciplinary proceedings against the concerned police officials. The Court is, therefore, satisfied that continuation of the criminal proceedings arising out of Crime No. 107/2019 would amount to an abuse of the process of the Court.

58. For the reasons recorded hereinabove, and without expressing any opinion on the merits of the allegations in any other independent criminal proceeding, this Court is satisfied that the present prosecution cannot be permitted to continue. The material placed on record, particularly the State's own affidavit and the subsequent official inquiry, demonstrates circumstances which materially undermine the bona fides of the prosecution and establish that continuation of the proceedings would not advance the cause of justice. The inherent jurisdiction of this Court under Section 482 CrPC is, therefore, required to be exercised to prevent abuse of the process of law and to secure the ends of justice.

59. Consequently, the petition deserves to be allowed and is hereby **allowed** and Crime No. 107/2019 registered at Police Station Moudhapara, District Raipur, for offences punishable under Sections 384, 507, 120-B, 389 and 201 of the Indian Penal Code, Chargesheet No. 146/2019 arising out of Crime No. 107/2019, the order framing charges and the entire consequential criminal proceedings arising out of Crime No. 107/2019, including Criminal Case No. 11406/2019 pending before the Court of Judicial Magistrate First Class, Raipur, are hereby **quashed / set aside**.

60. So far as the other reliefs are concerned, the Petitioners are at liberty to approach the appropriate forum for redressal of their grievances, if so advised.

Sd/-

**(Ravindra Kumar Agrawal)**  
**Judge**

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**