



2026:CGHC:25309-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1543 of 2026

Varun Singh Son Of Ashok Singh, Aged About 30 Years Resident of E.W.S. -325 -2, Ward No. 16, Jayprakash Colony, Near Government School, Devas, District -Devas (M.P.) (On Bail)

... Petitioner

versus

- 1 - State of Chhattisgarh Through The Station House Officer, Police Station, Mahila Thana, Durg, District -Durg (C.G.)
- 2 – Smt. Arti Kumari Singh W/o Varun Singh Aged About 28 Years Resident Of 19/c Street -15 Sector -2 B.T.C.Bhilai, District- Durg (C.G.) (Complainant)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	: Mr. Syed Afaq Hussain Rizvi, Advocate
For Respondent-State	: Mr. Sourabh Sahu, Panel Lawyer

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

Order on Board

22.06.2026

1. Heard Mr. Syed Afaq Hussain Rizvi, learned counsel for the petitioner as well as Mr. Sourabh Sahu, Panel Lawyer, appearing for the State/respondent No.1.

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2. By filing the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has prayed for following relief :-

"I. Quash the impugned FIR dated 08.01.2025 bearing Crime No. 02/2025 registered at Police Station, Mahila Thana, Durg for the offence U/s 85, 3(5) of BNS and Section 4 of Dowry Prohibition Act, 1961.

II. Quash the impugned final report bearing Final Report No. 12/2025 dated 26.04.2025 submitted by Mahila Thana, Durg before the learned Judicial magistrate First Class, Durg for the offence U/s 85, 3(5) of BNS and Section 4 of Dowry Prohibition Act, 1961 against the petitioner.

III. Quash the impugned cognizance order dated 10.06.2025 and order of framing of charge dated 15.11.2025 and entire criminal proceedings pending in Criminal Case R.C.C. No. 22019/2025 pending before the learned JMFC, Durg against the petitioner for the offence U/s 85, 3(5) of BNS and Section 4 of Dowry Prohibition Act, 1961.

IV. Quash the impugned order dated 09.04.2026 passed in Criminal Revision No. 244/2025 by the learned Second Additional Sessions Judge, District-Durg (C.G.), whereby the learned revisional court has dismissed the revision preferred by the petitioner against the order of framing of charge dated 15.11.2025 and discharge the petitioner from the offence

U/s 85, 3(5) of BNS and Section 4 of Dowry Prohibition Act, 1961, in the interest of justice.”

3. The case of the prosecution, in brief, is that the marriage between the petitioner and respondent No.2 was solemnized on 10.03.2024 according to Hindu rites and rituals. After the marriage, the respondent No.2 joined the matrimonial home at Dewas (M.P.). According to the petitioner, soon after the marriage he noticed abnormal behaviour and activities of respondent No. 2 and subsequently came to know that she was allegedly suffering from schizophrenia, a fact which, according to him, had been concealed by her family prior to the marriage. The petitioner contends that due to her medical condition, serious matrimonial disputes arose between the parties, ultimately resulting in the respondent No. 2 being left at her parental home on 12.07.2024. The petitioner thereafter instituted a petition for dissolution of marriage before the competent Family Court at Dewas on 21.08.2024.
4. Subsequently, respondent No. 2 lodged a complaint on 08.01.2025 at Mahila Thana, Durg alleging demand of dowry and cruelty by the petitioner and his family members, pursuant to which FIR No. 02/2025 was registered for offences under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Dowry Prohibition Act, 1961. After investigation, a charge-sheet was filed, cognizance was taken on 10.06.2025, and charges were framed against the petitioner on 15.11.2025. The

petitioner's revision against the order framing charge was dismissed by the revisional court on 09.04.2026. Aggrieved thereby, the petitioner has preferred the present petition seeking quashment of the FIR, charge-sheet, cognizance order, charge order and all consequential criminal proceedings.

5. Learned counsel for the petitioner submits that the impugned FIR and the consequent criminal proceedings are manifestly arbitrary and amount to abuse of the process of law. It is contended that the allegations made by respondent No.2 are vague, omnibus and devoid of any specific instances constituting cruelty or unlawful demand of dowry by the petitioner. Even if the allegations contained in the FIR and the statements collected during investigation are taken at their face value, the essential ingredients of the offences punishable under Sections 85 and 3(5) of the BNS and Section 4 of the Dowry Prohibition Act are not made out against the petitioner.
6. It is further submitted that prior to the lodging of the FIR, the petitioner had discovered that respondent No. 2 was allegedly suffering from schizophrenia and that this material fact had been deliberately concealed by her family before the marriage. According to the petitioner, the matrimonial discord arose solely on account of the respondent's medical condition and conduct, and not because of any demand for dowry. The petitioner had also lodged a complaint with the concerned police authorities regarding the concealment of the respondent's mental condition,

but no action was taken thereon.

7. Learned counsel further submits that the petitioner was subjected to severe mental and emotional distress on account of the conduct of respondent No. 2 and, therefore, instituted divorce proceedings under Section 13 of the Hindu Marriage Act, 1955 before the competent Family Court at Dewas on 21.08.2024. It is argued that the present FIR came to be lodged only thereafter as a counterblast to the matrimonial proceedings initiated by the petitioner and with the sole intention of exerting pressure upon him.
8. Lastly, it is submitted that there is no legally admissible material collected during investigation to establish the commission of the alleged offences by the petitioner. The continuation of the criminal proceedings, despite the absence of specific allegations and supporting material, would amount to misuse of the criminal justice system. Accordingly, it is prayed that the FIR, charge-sheet, cognizance order, order framing charge, revisional order and all consequential proceedings be quashed in exercise of the inherent jurisdiction of this Court.
9. Learned State Counsel, on the other hand, submits that the FIR was registered on the basis of a detailed complaint lodged by respondent No. 2 alleging persistent physical and mental cruelty as well as demand of dowry by the petitioner and his family members. During investigation, the statements of the

complainant, her family members and other witnesses were recorded and marriage-related documents were seized. The investigation further revealed that the complainant was subjected to continuous harassment on account of dowry demands and was ultimately left at Bhilai Power House Railway Station on 11.07.2024, after which she was compelled to reside at her parental home. It is submitted that upon completion of investigation, sufficient material was found against the petitioner and accordingly charge-sheet bearing Final Report No. 12/2025 dated 26.04.2025 was filed before the competent Court for offences under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Dowry Prohibition Act, 1961.

- 10.** Learned State counsel further submits that the learned JMFC, after considering the material collected during investigation, took cognizance and framed charges against the petitioner. The order framing charge was thereafter challenged before the revisional Court, however, the learned Second Additional Sessions Judge, Durg, upon appreciation of the record, found sufficient grounds for proceeding against the petitioner and dismissed the revision vide order dated 09.04.2026. It is also pointed out that the petitioner had earlier approached this Hon'ble Court by filing Cr.M.P. No. 1218 of 2025 seeking quashment of the same FIR. Though the proceedings were quashed in respect of co-accused Smt. Baby Singh, Tarun Singh and Varsha Singh, the petition insofar as the present petitioner Varun Singh was concerned was specifically

dismissed by this Court vide order dated 17.06.2025. Therefore, it is contended that the present petition is not maintainable and amounts to a second attempt to challenge the very same criminal proceedings. Since the allegations and the material collected during investigation disclose a prima facie case against the petitioner, no interference is warranted in exercise of the inherent jurisdiction of this Court and the petition deserves to be dismissed.

- 11.** We have heard learned counsel for the parties at length and have carefully perused the FIR, charge-sheet, statements recorded during investigation, the orders passed by the learned trial Court as well as the revisional Court and other material available on record.
- 12.** The scope of interference by this Court in exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is well settled. The inherent powers are extraordinary in nature and are required to be exercised sparingly, with circumspection and only in those cases where continuation of the criminal proceedings would amount to abuse of the process of the Court or where the allegations, even if accepted in their entirety, do not disclose commission of any offence. At the stage of consideration of a petition for quashment, this Court is not expected to undertake a meticulous appreciation of evidence or adjudicate disputed questions of fact which are required to be determined during trial.

- 13.** A careful perusal of the FIR lodged by respondent No. 2 would show that specific allegations have been made against the present petitioner regarding demand of dowry and subjecting the complainant to physical as well as mental cruelty during her stay in the matrimonial home. The allegations are not confined merely to general matrimonial discord but specifically refer to repeated demands of money, taunts regarding insufficient dowry and harassment allegedly meted out to the complainant. During investigation, the statements of the complainant, her family members and other witnesses were recorded and the investigating agency, upon evaluation of the material collected, found sufficient grounds to submit charge-sheet against the petitioner.
- 14.** The principal contention of the petitioner is that respondent No. 2 was suffering from schizophrenia and that such fact had been concealed prior to the marriage. However, whether respondent No. 2 was suffering from any mental ailment, whether such fact was concealed before marriage, and whether the matrimonial relationship deteriorated solely on account thereof, are all disputed questions of fact requiring appreciation of evidence. Such issues cannot be conclusively adjudicated in proceedings under Section 528 of the BNSS. The defence sought to be raised by the petitioner constitutes a matter for trial and cannot form the basis for quashing the criminal proceedings at the threshold.
- 15.** Equally untenable is the contention that the FIR is merely a

counterblast to the divorce proceedings instituted by the petitioner. Merely because matrimonial proceedings were initiated by one of the spouses prior to registration of the FIR does not, by itself, lead to an inference that the criminal proceedings are false or malicious. The allegations made in the FIR and the material collected during investigation have to be independently examined. At this stage, the Court is only required to ascertain whether a prima facie case is disclosed from the record. The materials available before the Court clearly reveal the existence of allegations which require adjudication upon evidence before the competent trial Court.

- 16.** It is also significant to note that after completion of investigation, the competent investigating agency submitted a final report finding sufficient material against the petitioner. The learned Judicial Magistrate First Class, upon consideration of the police report and accompanying documents, took cognizance of the offences and subsequently framed charges against the petitioner. The order framing charge was challenged before the revisional Court and the learned Second Additional Sessions Judge, Durg, after independently examining the record, dismissed the revision petition and affirmed the order framing charge. Thus, the material available on record has already been scrutinized by two competent judicial forums which have concurrently found sufficient grounds for proceeding against the petitioner.
- 17.** This Court also cannot lose sight of the fact that the petitioner had

earlier approached this Court by filing Cr.M.P. No. 1218 of 2025 seeking quashment of the very same FIR. Though this Court found the allegations against the co-accused namely Smt. Baby Singh, Tarun Singh and Varsha Singh to be insufficient and consequently quashed the proceedings against them, the petition insofar as the present petitioner Varun Singh was concerned was specifically dismissed vide order dated 17.06.2025. The effect of the said order is that this Court had already declined to exercise its inherent jurisdiction in favour of the present petitioner in relation to the same FIR. After filing of charge-sheet, taking of cognizance and framing of charge, no exceptional circumstance or glaring legal infirmity has been demonstrated before this Court which would justify reopening the issue and exercising inherent jurisdiction in favour of the petitioner.

- 18.** At the stage of framing of charge, the Court is only required to ascertain whether there exists a strong suspicion or prima facie material indicating involvement of the accused in the commission of the alleged offences. The sufficiency, reliability or probative value of the evidence is not required to be examined in detail. Upon perusal of the charge-sheet and the material collected during investigation, this Court is satisfied that the allegations against the petitioner disclose the essential ingredients of the offences alleged and furnish sufficient ground for proceeding with the trial.
- 19.** In the considered opinion of this Court, the present case does not

fall within any of the well-recognized categories warranting exercise of inherent powers for quashing of criminal proceedings. The allegations made in the FIR, supported by the material collected during investigation, disclose a prima facie case against the petitioner. The submissions advanced on behalf of the petitioner predominantly raise disputed factual issues and matters of defence which can appropriately be adjudicated only during the course of trial upon appreciation of evidence.

20. Consequently, this Court finds no illegality, perversity or jurisdictional error in the FIR, the charge-sheet, the order taking cognizance dated 10.06.2025, the order framing charge dated 15.11.2025 or the revisional order dated 09.04.2026 warranting interference in exercise of powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
21. Accordingly, the present Criminal Miscellaneous Petition being devoid of merit deserves to be and is hereby **dismissed**. The interim order, if any, stands vacated. It is, however, clarified that any observation made herein is confined solely to adjudication of the present petition and shall not influence the trial Court while deciding the case on its own merits in accordance with law.
22. Pending application(s), if any, shall also stand disposed of.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice