



CGHC010234982026



2026:CGHC:28856-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1702 of 2026

1 - Sagar Prakash Mohite S/o Shri Prakash Mohite Aged About 43 Years R/o Flat No. 15, Pandhari Apartment Manajinagar Narhegaon, Pune City, Vadgaon Budruk District Pune, Maharashtra, 411041.

2 - Prajakta Sagar Mohite, W/o Shri Prakash Mohite, Aged About 43 Years R/o Flat No. 15, Pandhari Apartment Manajinagar Narhegaon, Pune City, Vadgaon Budruk, Pune, Maharashtra, 411041

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Officer -In -Charge, Police Station -D.D. Nagar Raipur, District Raipur, Chhattisgarh.

2 - Md. Imran Nawab, S/o Late M.I. Nawab, Aged About 41 Years R/o B -13, Agroha Colony, Raipura, District -Raipur, Chhattisgarh.

--- **Respondent(s)**

For Petitioner(s)	: Mr. Vivek Kumar Agrawal, Advocate.
For Respondent No. 1	: Mr. S.S.Baghel, Government Advocate.
For Respondent No. 2	: None.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

10/07/2026

1. Heard Mr. Vivek Kumar Agrawal, learned counsel for the petitioners as well as Mr. S.S.Baghel, learned Government Advocate for the

State/respondent No. 1.

2. By this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, the BNSS), the petitioner seek for the following relief(s):

“(1) That, this Hon’ble Court be pleased to quash and set-aside the impugned First Information Report bearing Crime No. 140/2025 was registered for alleged offences punishable under Sections 420, 406 and 34 of the Indian Penal Code, 1860 by the Police of Deendayal Nagar, District Raipur so far it relates to the petitioners.

(2) That this Hon’ble Court be pleased to pass such other orders as it may deem fit under the facts and circumstances of the case, in favour of the petitioners, in the interest of justice.”

3. Facts, in brief, as projected by the petitioners are that they are husband and wife. They were engaged in business with the complainant namely, Imran Nawab (respondent No. 2) and were regularly involved in the business transactions and business dealings and there was no infirmity and arbitrariness in between the parties. The petitioners’ and the complainant's company namely, M/s. Kaistel Corporation had executed agreement dated 30 04.2022 in Pune through his Commercial Manager namely, Satbir Singh and by virtue of which, the petitioners have provided two vehicles on lease to the company of the respondent No. 2/Complainant i.e. a truck (Tata 2518) bearing registration No. MH 12 FC 8909 for a sum of Rs. 45,000/- per month along with all other expenses and a Tanker (Tata 1613) bearing registration No. MH 12 FZ 7809 for a sum of Rs 35,000/- per month along with all other expenses. The agreement executed between the petitioners and the company of the Respondent No. 2 duly specified the terms and conditions of the agreement for renting the vehicles and the other conditions for

maintaining the same.

4. Mr. Agrawal, learned counsel for the petitioners submit that as per the agreement executed, the petitioners provided the aforementioned vehicles to the Company of the respondent No 2 and the maintenance, operations and other works was to be done by the respondent No. 2 and the same was smoothly being done by the parties till the year 2024 and the petitioners were also receiving rent for the same. The respondent No. 2 was also possessing an HDD Machine which was used along with the Truck and Tanker of the petitioners and the said HDD Machine was purchased by the respondent No. 2 by way of loan from HDB Financial Services Limited and the Respondent No. 2 was paying EMI for the said loan. The respondent No. 2 had suspiciously financed the HDD Machine from the aforesaid bank in the name of his subsidiary company namely, Hindustan Infra Solution and Engineering Limited. The Company of the Respondent No. 2 failed to pay the pending EMI with regard to loan taken against the HDD Machine and due to which, the HDB Finance had seized the HDD Machine along with Truck of the petitioners from Ahmednagar, Maharashtra on 07.06.2023, authorities of the HDB Financial Services had seized and taken possession of the Vehicles. Soon after seizure of the aforementioned vehicles, the respondent No. 2 executed the power of attorney of the HDD Machine in their favour and the said power of attorney was executed by the respondent No. 2 only. During inspection of the aforementioned vehicle to the petitioners by the authorities of the HDB Financial Services, the petitioners surprisingly, found that many parts of the HDD Machine was missing and upon enquiring about the same, the authorities of the bank refused that there were no parts missing. Being aggrieved of the same, the petitioners have registered an FIR bearing Crime No. 1528/2023, at P.S. Kotwali. District

Ahilyanagar for the offences punishable under Sections 406 and 34 of the Indian Penal Code, 1860 against Vikram Singh, Dinesh Damela and one Sunil who were the authorities of the HDB Financial Services and had seized the aforementioned vehicles from the possession of the respondent No. 2. Upon registration of the aforesaid FIR, the police authorities inspected the vehicle, prepared panchnama and found that many parts were missing of the HDD Vehicle at the time of inspection and thereafter, the HDD Vehicle was also taken into custody by the police authorities. Since the petitioners were holding the power of attorney of the vehicles, the petitioners have moved an application dated 01.06.2024 before the concerned trial Court seeking custody of LPT 2516/56 model truck having registration No. MH 12 FC 8909 which was taken into judicial custody by the police authorities and the said application was allowed vide order dated 10.06.2024 passed by the learned Additional Chief Judicial Magistrate, Ahmednagar. Further, the Additional Chief Judicial Magistrate, Ahmednagar passed an order dated 18/27.06.2024 for granting the possession of the seized vehicles to the present petitioners on *Supurdnama* as also by executing a bond for a sum of Rs. 2 lakhs.

5. Mr. Agrawal further submits that subsequent to passing of the order dated 10.06.2024, the petitioners executed the bond for *Supurdnama* for releasing the HDD Vehicle and the Truck of the petitioners. Thereafter, the vehicle was handed over to the petitioners on 27.06.2024 and *panchnama* was also prepared by the police authorities. A careful perusal of the *panchanama* prepared by the police authorities as also, by the Acqua Construction Company Material Checklist would make it evident that the parts of the seized vehicles were missing at the time of handling over of the aforementioned vehicles to the petitioners.

Subsequent to handing over the seized vehicle of the petitioners, the petitioners have repeatedly contacted the respondent No. 2 through Whatsapp that the vehicle has been released from the judicial custody and he can take back his vehicle through a proper transporting medium, but for the reasons best known to the respondent No. 2, he did not respond to any those messages and when in the month of July, 2024 the petitioners approached the complainant asking for the rent amount as per the agreement, the respondent No. 2 started threatening the petitioners and have also threatened that he will falsely implicate the petitioners in a criminal case without even making a complaint before them or before any authority. It is pertinent to mention here that only to threaten and mentally harass the petitioners, the respondent No. 2 had sent the petitioners a photograph showcasing him to be carrying an unlicensed gun so as to threaten the petitioners for life which made the petitioners to be under continuous fear. Due to the threatening of the respondent No. 2, the petitioners took legal recourse and have sent a legal notice to the respondent No. 2 on 30.07.2024 seeking the remaining amount of Rs. 18,95,000/- as per the agreement executed between the parties i.e. the petitioner and the Company of the respondent No. 2 but the respondent No. 2 did not replied to the said legal notice nor have returned the amount as sought by the petitioners which duly proves the ill intent on the part of the respondent No.2. The respondent No. 2 is a habitual offender and has not responded to the requests made by the petitioners for taking back the HDD machine as also, the petitioner's further request for payment of the remaining amount as per the agreement and again, on 08.09.2024, the petitioners have again requested the respondent No. 2 for taking his HDD Machine back and pay the remaining amount, but the respondent No. 2 kept

threatening the petitioners repeatedly and also threatened to falsely implicate them in a criminal case. The entire materials on record make it abundantly clear that there is absolutely nothing on record to suggest even the slightest involvement of the petitioners in the instant crime and Perusal of the FIR and the alleged sequence of events clearly demonstrates that no part of the alleged cause of action has arisen within the territorial jurisdiction of Police Station Dindayal Nagar, Raipur, Chhattisgarh. They have been roped mechanically. In order to secure the ends of justice and to prevent the abuse of process of law, kind interference by this Hon'ble Court in exercise of its extraordinary inherent jurisdiction is very much warranted.

6. On the other hand, Mr. S.S.Baghel, learned counsel appearing for the State/respondent No. 1 submits that on a written complaint being made by the respondent No. 2, when prima facie it was found that a cognizable offence has been committed by the petitioners, the FIR was lodged and the matter is being investigated. No circumstances exists so as to quash the FIR in question.
7. We have heard learned counsel appearing for the parties, perused the pleadings and documents appended thereto.
8. On the last date of hearing i.e. on 02.07.2026, this Court made a query from the learned State counsel as to why, till date, the investigation in the matter has not been concluded when the FIR was lodged way back on 03.04.2025 and also directed the Director General of Police, Chhattisgarh, to file his personal affidavit calling an explanation from the concerned Investigating Officer as to why the investigation of the present case could not be concluded.
9. In compliance of the above direction, the Director General of Police,

Chhattisgarh, has filed his personal affidavit stating that the petitioners alongwith the third accused Firoz Fayyaz belong to the State of Maharashtra and efforts were made to arrest the accused persons but they were not found in their house. The petitioner No. 2 has secured an anticipatory bail from this Hon'ble Court. The Investigating Officer, who was investigating the case, got transferred from Police Station, Deendayal Nagar to Police Station, Telibandha. A team left for Maharashtra on 03.07.2026 for arresting the absconding accused persons and on 05.07.2026, the concerned Police Team visited the house of accused Firoz Fayyaz at Pune, Maharashtra where he was not found and a Farari Panchnama was prepared. Similarly, on 04.07.2026, the police team went to the house of the petitioner No. 1 who was also found to be absconding and a Farari Panchnama in respect of him was also prepared. It has further been stated in the affidavit that show cause notices have been issued to the officers who were found to be negligent and on receipt of their reply, if they are found to be guilty, appropriate disciplinary action would be taken against them.

10.A further query was made by this Court as to by what time, the State expects the investigation to be completed, Mr. Baghel submits that sincere efforts are being made by the police to conclude the investigation within a period of four weeks and thereafter, charge sheet would be filed before the concerned Court.

11.The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or

the complaint even if taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the FIR or the charge-sheet may be quashed in exercise of powers under Article 226 or inherent powers under Section 482 of the Cr.P.C. (now 528 of the B.N.S.S.).

12. The Hon'ble Supreme Court in the matters of ***Rupan Deol Bajaj v. K.P.S. Gill*** reported in (1995) SCC (Cri) 1059, ***Rajesh Bajaj v. State of NCT of Delhi*** reported in (1999) 3 SCC 259 and ***Medchl Chemicals & Pharma (P) Ltd. v. Biological E Ltd. & Ors*** reported in 2000 SCC (Cri) 615, the Supreme Court clearly held that if a prima facie case is made out disclosing the ingredients of the offence, Court should not quash the complaint. However, it was held that if the allegations do not constitute any offence as alleged and appear to be patently absurd and improbable, Court should not hesitate to quash the complaint. A note of caution was reiterated that while considering such petitions the Courts should be very circumspect, conscious and careful. Thus, there is no controversy about the legal proposition that in case a prima facie case is made out, the FIR or the proceedings in consequence thereof cannot be quashed.
13. From perusal of the FIR, it transpires that the respondent No. 2 complainant, Mohd. Imran Nawab, a partner of Hindustan Infra Solution and Engineering, alleged that the accused Sagar Prakash Mohite and Prajakta Mohite (petitioners herein) alongwith one Firoz Fayyaz Faraz dishonestly misappropriated the Company's Goodeng HDD (Horizontal Directional Drilling) machine worth approximately Rs. 76.70 lakh. According to the respondent No. 2, the Company had hired a truck owned by petitioner No. 1 to transport the HDD machine. The

complainant spent about Rs. 2.80 lakh to modify the truck into a ramp carrier and also made various payments, including about Rs. 4.61 lakh, to the accused. While the machine was being transported from Mumbai to Raipur, the truck was seized by a finance company near Ahmednagar. The complainant alleges that thereafter the accused prepared forged company documents and misused an authority letter on the pretext of securing the release of the truck and machine. They allegedly impersonated Police Officers through fake phone calls, demanded additional money, and induced the respondent No. 2 to transfer Rs. 40,000 into petitioner No. 2's account for transporting the machine back to Raipur. After obtaining the authority letter and receiving the money, the petitioners allegedly switched off their mobile phones and absconded with the HDD machine instead of returning it. When the Company's supervisor visited petitioner No. 2's residence in Pune, she allegedly threatened to implicate him in a false molestation case if he persisted in demanding the machine. The complainant further alleged that the accused have committed similar acts with other persons in the past and were attempting to sell the HDD machine. On these allegations, the complainant sought registration of an FIR for offences of criminal breach of trust, cheating, forgery, misuse of authority, and criminal conspiracy against all three accused. Accordingly, the police of Police Station, Deendayal Nagar, Raipur, registered the FIR bearing Crime No. 0140/2025, which is sought to be quashed by the petitioners.

14. In the considered opinion of this Court, the present case does not fall within any of the categories illustratively enumerated by the Hon'ble Supreme Court in ***Neharika Infrastructure Pvt. Ltd. v. State of Maharashtra and others*** reported in 2021 SCC OnLine SC 315 and ***Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another***

(Criminal Appeal No. 3831 of 2025, decided on 02.09.2025) so as to warrant exercise of the extraordinary jurisdiction for quashing the criminal proceedings at the threshold. The allegations levelled against the petitioners cannot be characterized as so absurd, inherently improbable, or manifestly frivolous that no prudent person could reasonably conclude that they disclose a prima facie case for proceeding further.

15. The allegations levelled against the petitioners are serious in nature.

Prima facie it appears that in an organized manner, the respondent no. 2 has been cheated by the petitioners. The petitioner No.2 has already secured an anticipatory bail from this Court and the investigation would also be completed within a period of four weeks. If the petitioner No. 1 has any apprehension of his arrest, he may take recourse to appropriate forum. Hence, at this stage, we do not find it a fit case where we should exercise the inherent powers of this Court and to quash the FIR. We hope and trust that the investigation would be concluded within the time frame as suggested by the learned State counsel and in case, the petitioners are aggrieved by the outcome of the investigation, they are at liberty to challenge the same before the appropriate forum.

16. With the aforesaid observation and direction, this petition stands **disposed of.**

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit

