



CGHC010265262026

2026:CGHC:34394-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1935 of 2026

Mahaveer Yadav S/o Late Shri German Yadav Aged About 65 Years R/o
Village Ghuru PS Sakri District Bilaspur (C.G.)

... **Petitioner(s)****versus**

1 - State Of Chhattisgarh Through SHO PS Sakri, District - Bilaspur
(C.G.)

2 - Piparha Banjare S/o Late Itwari Das Banjare Aged About 52 Years
R/o Village Ghuru PS Sakri District Bilaspur (C.G.)

... **Respondent(s)**

For Petitioner(s) : Ms.Sangeeta Mishra, Advocate

For Respondent : Mr.Sanghrash Pandey, Government Advocate

No.1-State

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

Order on Board

Per Ramesh Sinha, Chief Justice

06.08.2026

1. Heard Ms. Sangeeta Mishra, learned counsel for the petitioner as well as Mr.Sanghrash Pandey, learned Government Advocate for respondent No.1/State.

2. The present petition has been filed by the petitioner under Section

528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'B.N.S.S.') with the following relief(s):-

“(i) It is therefore prayed that this Hon'ble court may be pleased to allow the application by making an order to Quash the Charge Sheet No. 08/2025 dated 25.12.2025 and cognizance order of the impugned chargesheet dated 31.12.2025 and all consequential proceedings in FIR crime no. 241/2018 dated 14.08.2018, pending before the Special Judge (Atrocity) Bilaspur, District Bilaspur (C.G.), registered as Special Case (Atrocity) No. 48/2025 & offence u/s 420,467,468,471,120 B of IPC & 3(1) (च, ढ) of SC/ST Act. 1989.

(ii) The Hon'ble Court may kindly be pleased to call for the entire records pertaining to the impugned Special Case (Atrocity) No. 48/2025 offence u/s 420,467,468,471,120 B of IPC & 3 (1) (च, ढ) of SC/ST Act. 1989, P.S. Sakri District - Bilaspur (C.G), titled as 'State of Chhattisgarh Vs. Rahul Singh & and others' currently pending before the Court of Special Judge (Atrocity) Bilaspur, District Bilaspur (C.G.)

(iii) Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case along with cost of the petition be awarded in favour of the applicant.”

3. Briefly stated, the prosecution case is that respondent No. 2/Complainant, Piparha Banjare, filed an application under Section

156(3) CrPC before the learned Special Judge (Atrocities), Bilaspur, alleging that he belongs to the Scheduled Caste (Satnami) community and is the recorded owner of agricultural land bearing Khasra Nos. 297/2, 305/3, 385/2, 385/3 and 366/4 (total area 0.753 hectares) situated at Village Dhuru, District Bilaspur. The complainant alleged that the present petitioner and other co-accused entered into a criminal conspiracy to usurp his land by preparing a forged General Power of Attorney (GPA) dated 06.03.2017. According to the complaint, the accused procured forged identity documents, revenue records and photographs, falsely impersonated the complainant, and got the forged GPA registered with the assistance of officials connected with the Registration Office and revenue authorities.

4. It is further alleged that, on the strength of the said forged GPA, the accused executed several registered sale deeds in favour of different purchasers during April and May 2017, thereby transferring the complainant's land without his knowledge or consent. The complainant asserts that the voter identity card, land records, loan booklet (Rin Pustika), and other documents attached with the GPA and sale deeds were fabricated and that the consideration shown in the sale deeds was fictitious, as he never maintained the bank accounts through which the alleged payments were stated to have been made. The complainant also alleged that despite his earlier objections before the Registration Authorities and applications requesting that no transaction be permitted on the basis of any power of attorney, the accused, in conspiracy with one another, proceeded with the registration of the sale deeds and

subsequent mutation of the land in favour of the purchasers. He further alleged that although complaints were submitted to the Superintendent of Police and Police Station Sakri, no FIR was initially registered. On the application under Section 156(3) CrPC, the learned Special Judge (Atrocities), Bilaspur, by order dated 03.08.2018, directed the Station House Officer, Police Station Sakri, to register an FIR, investigate the matter and submit a report to the Court. Pursuant to the said direction, Police Station Sakri registered FIR No. 241/2018 dated 14.08.2018 against the petitioner and other accused for offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. After completion of the investigation, the police filed a charge-sheet on 25.12.2025 before the learned Special Judge (Atrocities), Bilaspur, which was registered as Special Case (Atrocity) No. 48/2025 against the petitioner and other accused. Hence, this petition.

6. Learned counsel for the petitioner submits that the impugned FIR and the consequential charge-sheet are liable to be quashed as the investigating agency failed to comply with the mandatory procedure and safeguards governing registration and investigation of criminal cases, despite the FIR having been registered pursuant to an order passed under Section 156(3) CrPC. The investigation has been conducted in a mechanical manner without a fair, impartial and independent inquiry, thereby vitiating the entire proceedings. It is further submitted that even

if the allegations contained in the FIR, the complaint and the charge-sheet are accepted in their entirety, no prima facie offence under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code or under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out against the petitioner. The complainant has not attributed any specific act of cheating, forgery, use of forged documents or criminal conspiracy to the petitioner. The essential ingredients of the alleged offences are conspicuously absent insofar as the petitioner is concerned.

7. Learned counsel further submits that, at the relevant time, the petitioner was posted merely as a Peon in the Sub-Registrar Office. His duties were purely ministerial and limited to affixing the official seal on registration documents in the ordinary course of office work. The petitioner had neither the authority nor the responsibility to verify the identity of the executants, examine the genuineness of title documents or determine the legality of any transaction presented for registration. Merely discharging routine official duties cannot, by itself, constitute participation in the alleged offences. It is further submitted that the complaint filed under Section 156(3) CrPC does not disclose any material indicating that the petitioner entered into any criminal conspiracy with the co-accused or played any role in the preparation of the alleged forged General Power of Attorney or the execution of the impugned sale deeds. The investigating agency has also failed to collect any legally admissible evidence connecting the petitioner with the alleged offences. No document, witness statement or other material

collected during investigation establishes the petitioner's involvement in the commission of the alleged crime. Learned counsel submits that the investigation itself suffers from serious infirmities. The police arrayed the petitioner as an accused without conducting a proper inquiry into his actual role and without collecting any credible or legally admissible evidence against him. The charge-sheet has been filed on the basis of mere suspicion, assumptions and omnibus allegations, rather than on any cogent material capable of constituting a prima facie case. It is further submitted that the statements of the complainant and his family members recorded during investigation do not assign any specific overt act to the petitioner. None of the prosecution witnesses has stated that the petitioner participated in the alleged forgery, impersonation, execution of documents or receipt of any sale consideration. The petitioner has been implicated solely because he was working as a Peon in the Registration Office, which is wholly insufficient to attract criminal liability.

8. Learned counsel therefore submits that the continuation of the criminal proceedings against the petitioner, despite the absence of any prima facie material, would amount to an abuse of the process of law and would result in grave miscarriage of justice. In the facts and circumstances of the present case, this Hon'ble Court may exercise its inherent jurisdiction to quash FIR No. 241/2018 dated 14.08.2018, the charge-sheet dated 25.12.2025 and the consequential criminal proceedings in Special Case (Atrocity) No. 48/2025 pending before the learned Special Judge (Atrocities), Bilaspur, as no case is made out

against the petitioner.

9. Per contra, learned Government Advocate appearing for the respondent No.1/State opposed the petition and submitted that the impugned FIR was registered pursuant to a lawful order passed by the learned Special Judge under Section 156(3) CrPC after considering the complaint and the material placed on record. It is contended that the police conducted a detailed investigation and, upon finding sufficient prima facie material, submitted the charge-sheet against the petitioner and the other accused. It is further submitted that the allegations contained in the complaint, the statements of the witnesses and the documentary evidence collected during the course of investigation disclose the commission of cognizable offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, as well as the relevant provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The material collected during investigation prima facie indicates that the accused persons acted in concert to prepare forged documents and execute fraudulent sale deeds in respect of the complainant's land.

10. Learned Government Advocate submits that the plea of the petitioner that he was merely a Peon in the Registration Office and had no role in the commission of the offences is a matter of defence, which cannot be adjudicated in proceedings for quashing under the inherent jurisdiction of this Hon'ble Court. The correctness, admissibility and evidentiary value of the prosecution material can only be examined

during trial after the parties have led evidence. It is further contended that at the stage of considering a petition for quashing, this Hon'ble Court is only required to examine whether the allegations in the FIR and the material collected during investigation disclose a prima facie case. A meticulous appreciation of the evidence or determination of the petitioner's innocence is impermissible at this stage. It is, therefore, submitted that the charge-sheet discloses sufficient material to proceed against the petitioner and that no case is made out for exercise of the inherent jurisdiction of this Hon'ble Court. Accordingly, the petition deserves to be dismissed.

11. We have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

12. 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.).

13. 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. The 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.

14. In **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315**, the Hon'ble Supreme Court has authoritatively settled the scope of the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023). The Apex Court has held that the power to quash criminal proceedings is required to be exercised sparingly, with circumspection and only in the rarest of rare cases. It has been categorically observed that while considering a prayer for quashing an FIR or criminal proceedings, the High Court cannot embark upon an enquiry into the reliability, genuineness or otherwise of the allegations contained in the FIR, nor can it appreciate the evidence or conduct a mini trial. The Court is only required to examine whether the allegations, if taken at their face value,

disclose the commission of a cognizable offence. The Supreme Court further emphasized that criminal proceedings ought not to be scuttled at the threshold, that investigation into cognizable offences should ordinarily be permitted to proceed unhindered, and that the extraordinary jurisdiction under Section 482 Cr.P.C. must be exercised with great caution and self-restraint, save in exceptional cases where non-interference would result in manifest miscarriage of justice.

15. Very recently, in ***Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another (Criminal Appeal No. 3831 of 2025, decided on 02.09.2025)***, the Hon'ble Supreme Court reiterated the aforesaid principles and further held that while exercising jurisdiction under Section 482 Cr.P.C. (now Section 528 of the BNSS), the High Court cannot adjudicate disputed questions of fact or evaluate the evidentiary worth of the material collected during investigation. The Court reaffirmed the test laid down in *Rajiv Thapar v. Madan Lal Kapoor* and observed that criminal proceedings can be quashed at the threshold only when the material relied upon by the accused is of sterling and impeccable quality, completely demolishes the prosecution case, remains incapable of being refuted by the prosecution, and continuation of the criminal proceedings would amount to an abuse of the process of Court. Unless all these parameters are cumulatively satisfied, the High Court ought not to interfere in exercise of its inherent jurisdiction, leaving the parties to establish their respective cases before the trial Court in accordance with law.

16. Tested on the anvil of the aforesaid principles, this Court is of the considered opinion that no case for exercise of the inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 CrPC) is made out. A perusal of the FIR, the complaint under Section 156(3) CrPC, the statements of the witnesses and the material collected during investigation discloses specific allegations regarding preparation of a forged General Power of Attorney, execution of sale deeds on its basis and the alleged participation of the accused persons in the transaction. The investigating agency, after conducting investigation, has filed the charge-sheet against the petitioner and the other accused. At this stage, the Court is only required to examine whether the material on record discloses a prima facie case and not whether the prosecution will ultimately succeed in securing conviction.

17. The principal contention of the petitioner is that he was merely working as a Peon in the Sub-Registrar Office and that his role was confined to affixing the official seal on registration documents in the discharge of his official duties. Whether the petitioner had any knowledge of the alleged forgery, whether he was a participant in the alleged conspiracy, whether his acts were merely ministerial in nature, and whether he had any criminal intent are all disputed questions of fact. These issues necessarily require appreciation of oral and documentary evidence and cannot be adjudicated in proceedings under Section 528 of the BNSS. The defence sought to be raised by the petitioner is a matter to be established during the course of trial and

cannot be examined at this preliminary stage.

18. Likewise, the submission that no specific overt act has been attributed to the petitioner, that there is no legally admissible evidence against him, and that the investigation has not been conducted fairly are matters touching upon the appreciation and sufficiency of the prosecution evidence. The correctness, reliability and probative value of the statements recorded during investigation and the documents relied upon by the prosecution are matters exclusively within the domain of the trial Court. This Court, while exercising its inherent jurisdiction, cannot undertake a meticulous examination of the evidence or conduct a mini trial to determine the truthfulness of the allegations.

19. Having regard to the allegations contained in the FIR, the complaint and the charge-sheet, this Court is satisfied that the material collected during investigation, if taken at its face value, prima facie discloses the commission of cognizable offences. Whether the prosecution ultimately succeeds in proving the charges beyond reasonable doubt is a matter to be determined after the parties adduce evidence before the competent Court. At this stage, it cannot be said that the allegations are so inherently improbable or absurd that no prudent person could ever reach a conclusion that an offence has been committed, nor can it be held that continuation of the criminal proceedings would amount to an abuse of the process of law.

20. Consequently, finding no merit in the petition, the same is hereby dismissed. However, it is clarified that the observations made herein are

confined solely to the adjudication of the present petition and shall not be construed as an expression on the merits of the case. The learned trial Court shall proceed with the trial uninfluenced by any observations contained in this order and shall decide the case strictly in accordance with law on the basis of the evidence that may be adduced before it.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice