



CGHC010293572026



2026:CGHC:33363-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 2028 of 2026**

Bajrang @ Jagdish Prasad Sahu Son Of Late Kangalu Ram Sahu, Aged
About 66 Years Resident Of Village Bahtarai, P. S. Sarkanda, District
Bilaspur (C.G.)

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

1. State of Chhattisgarh Through Its Secretary, Department of Home
Mahanadi Bhavan, Atal Nagar, Naya Raipur, District Raipur
(Chhattisgarh)
2. The Director General of Police, Police Department, New Raipur,
District Raipur Chhattisgarh
3. Superintendent of Police, Mungeli, District Mungeli Chhattisgarh
4. Station House Officer, Police Station Pathariya District Mungeli
Chhattisgarh
5. Umend Singh Maravi, Son Of Late Kaliram Maravi, Aged About 50
Years Resident Of Village Lauda, Police Station Pathariya, District
Mungeli Chhattisgarh

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Bharat Lal Sahu, Advocate.
For Respondent/State	:	Mr. Ashish Shukla, Additional Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

03.08.2026

1. Heard Mr. Bharat Lal Sahu, learned counsel for the petitioner. Also heard Mr. Ashish Shukla, learned Additional Advocate General, appearing for the State/respondents No. 1 to 4.
2. Although the present petition was listed today for admission, with the consent of the learned counsel appearing for the respective parties, it was taken up for final hearing and is being finally disposed of at the admission stage itself.
3. The present petition has been filed by the petitioner with the following prayers:

“1. That, Hon’ble Court may kindly be pleased to allow the instant petition under Section 528 of BNS 2023 filed by the petitioner, in the interest of justice.

2. That, Hon’ble Court may kindly be pleased to quash the charge-sheet No. 135 of 2026 dated 01.07.2026 and FIR bearing No. 122 of 2026 registered on dated 18.05.2026 at police station Pathariya, District Mungeli Chhattisgarh filed under Section 298 of BNS and

Section 3(1)(T) of SC/ST Act against the petitioner in the interest of justice.

3. That, Hon'ble Court may kindly be pleased to quash entire charge-sheet dated 01.07.2026 before learned Special Judge (Atrocities Act) Mungeli, District Mungeli Chhattisgarh in Special Case (Atrocities) No.11 of 2026 under Section 298 of BNS and Section 3(1)(T) of SC/ST Act against the petitioner in the interest of justice.

4. That, Hon'ble Court may kindly be pleased to quash cognizance dated 03.07.2026 taken by the learned Special Judge (Atrocities Act) Mungeli, District Mungeli Chhattisgarh and also from order date 12.06.2026 to 16.7.2026 may be quashed, in the interest of justice.

5. That, Hon'ble Court may kindly be pleased to quash entire criminal proceeding of Special Case (Atrocities) No. 11 of 2026 pending before the learned Special Judge (Atrocities Act) Mungeli, District Mungeli Chhattisgarh against the petitioner, in the interest of justice.

6. That, the Hon'ble Court may kindly grant any other reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, in the interest of justice."

4. Learned counsel for the petitioner submits that the prosecution case, in brief, is that on the basis of a complaint alleging that on 16.05.2026 some unknown person had removed the flag of the tribal community from land bearing Khasra No. 94/1 situated at Village Lauda, P.H. No. 07, Revenue Circle Pathariya, District Mungeli, Police Station

Pathariya registered an FIR for the offences punishable under Section 298 of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(t) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. It is contended that although the complaint itself referred to an unknown person, the petitioner has subsequently been implicated solely on the basis of suspicion and the memorandum statement, without there being any cogent material connecting him with the alleged incident.

5. It is further submitted by the learned counsel for the petitioner that after completion of investigation, the police filed a charge-sheet before the learned Special Judge (Atrocities Act), Mungeli, where Special Case (Atrocities) No. 11 of 2026 is pending. According to learned counsel, the entire prosecution is founded on false, fabricated and baseless allegations and the criminal proceedings deserve to be quashed.

6. Learned counsel for the petitioner further stated that the petitioner had purchased land bearing Khasra No. 95/1, adjoining the disputed land, through a registered sale deed dated 05.03.2013 and has been in peaceful possession thereof since then. It is argued that the petitioner has been using the nistari road adjoining the land for access to his agricultural field. However, one Prakash Singh Marawi allegedly encroached upon the said nistari road and thereafter sold the encroached portion to Mukesh Dahariya, who subsequently erected the tribal community flag over the said land. He also stated that the petitioner had earlier approached the competent revenue authority by

filing a complaint against Prakash Singh Marawi and Mukesh Dahariya regarding the encroachment over the nistari road. Pursuant thereto, the learned Naib Tahsildar, Pathariya, by order dated 05.12.2024, imposed a fine upon the said persons for the encroachment. According to learned counsel, the present criminal case is a consequence of the pre-existing dispute relating to the nistari road and has been instituted only to pressurize the petitioner.

7. Learned counsel for the petitioner would submit that the dispute between the parties is essentially civil in nature, arising out of the use and alleged encroachment of the nistari road, and has been given a criminal colour without any legal justification. It is argued that no ingredients constituting the alleged offences are disclosed from the materials collected during investigation. He also submits that prior to the registration of the FIR, the complainant and other persons had attempted to obstruct the petitioner's access to his agricultural land by encroaching upon the nistari road and affixing the flag thereon. In such circumstances, according to learned counsel, the registration of the FIR is nothing but a counterblast to the earlier proceedings initiated by the petitioner before the revenue authorities. He further contended that the learned Single Judge has already granted bail to the petitioner in connection with the present crime vide order dated 15.07.2026 in CRA No. 1438 of 2026, which itself indicates that the allegations do not disclose any prima facie case warranting continued criminal prosecution.

8. It is further contended that the petitioner has been falsely implicated on account of previous enmity and neighbourhood disputes with the complainant. According to learned counsel, the prosecution has not recovered or seized any incriminating article from the possession of the petitioner, nor has any independent evidence been collected to establish his involvement in the alleged occurrence. He also submits that a bare reading of the First Information Report would show that there is no specific allegation attributing any overt act to the petitioner. Even if the allegations contained in the FIR and the charge-sheet are accepted in their entirety, they do not satisfy the essential ingredients of the offences punishable under Section 298 of the Bharatiya Nyaya Sanhita or Section 3(1)(t) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

9. It is lastly submitted by the learned counsel for the petitioner that the continuation of the criminal proceedings would amount to an abuse of the process of law, as the prosecution is unsupported by any legally admissible or incriminating material against the petitioner. On these submissions, learned counsel prays that the FIR as well as the consequential criminal proceedings, including the charge-sheet and the pending Special Case, be quashed in exercise of the inherent jurisdiction of this Court.

10. *Per contra*, learned State counsel opposed the petition and submitted that the FIR has been registered on the basis of a written complaint alleging removal of the flag of the tribal community from the

disputed land. It is submitted that during the course of investigation, statements of the witnesses were recorded and sufficient material was collected indicating the involvement of the petitioner. Upon completion of the investigation, the Investigating Officer found prima facie material against the petitioner and accordingly filed the charge-sheet before the Court of the learned Special Judge (Atrocities Act), Mungeli, where Special Case (Atrocities) No.11 of 2026 is presently pending. It is contended that the pleas raised by the petitioner pertain to disputed questions of fact, which can be adjudicated only during trial and, therefore, no case for exercise of inherent jurisdiction under Section 528 of the BNSS is made out.

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

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 Section 528 of the BNSS).

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 BNSS). The Hon'ble 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. In the present case, a perusal of the FIR, the charge-sheet and the material collected during investigation would reveal that the allegation against the petitioner is that the flag of the tribal community affixed over the disputed land bearing Khasra No.94/1 was removed, thereby attracting the offences punishable under Section 298 of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(t) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. During the course of investigation, the Investigating Officer recorded the statements of the witnesses and, on being satisfied that sufficient prima facie material existed, submitted the charge-sheet before the learned Special Judge (Atrocities Act), Mungeli, where the criminal case is presently pending.

17. The principal contention advanced on behalf of the petitioner is that the complaint is false and has been lodged on account of a pre-existing dispute relating to the nistari road and adjoining agricultural land. According to the petitioner, he had earlier initiated proceedings before the revenue authorities against the complainant and other persons for encroachment over the nistari road, pursuant to which action was taken by the Naib Tahsildar. It is also contended that the petitioner has been implicated merely on the basis of suspicion and memorandum statement; that no incriminating article has been recovered from his possession; that the FIR itself does not contain any specific allegation against him; and that the dispute between the parties is essentially civil in nature. All these pleas constitute the defence of the petitioner and involve disputed questions of fact requiring appreciation

of evidence, which cannot be adjudicated in proceedings under Section 528 of the BNSS.

18. At this stage, this Court cannot undertake a meticulous examination of the evidence collected during investigation or record findings regarding the correctness of the rival versions put forth by the parties. The defence projected by the petitioner regarding false implication on account of previous enmity, pendency of civil and revenue disputes, absence of recovery and insufficiency of evidence are all matters which require appreciation of oral and documentary evidence during trial. The mere existence of a civil dispute between the parties would not, by itself, constitute a ground for quashing the criminal proceedings if the allegations in the FIR and the material collected during investigation prima facie disclose the commission of cognizable offences.

19. Applying the principles laid down by the Hon'ble Supreme Court in ***Neeharika*** (supra) and ***Pradeep Kumar Kesharwani*** (supra), this Court is of the considered opinion that the present case does not fall within the exceptional category warranting exercise of inherent jurisdiction under Section 528 of the BNSS. The submissions advanced on behalf of the petitioner pertain to his defence and cannot be examined at this stage. This Court is not expected to conduct a mini trial or evaluate the evidentiary value of the material collected during investigation while considering a petition seeking quashing of the criminal proceedings. Since the allegations made in the FIR, coupled

with the material collected during investigation, disclose a prima facie case requiring adjudication by the learned trial Court, no interference is called for.

20. Consequently, this Court does not find any ground to exercise its inherent jurisdiction under Section 528 of the BNSS for quashing the FIR, the charge-sheet or the consequential criminal proceedings pending before the learned Special Judge (Atrocities Act), Mungeli. Accordingly, the present petition, being devoid of merit, deserves to be and is hereby **dismissed**. It is, however, made clear that the observations made herein are confined to the adjudication of the present petition and shall not prejudice or influence the learned trial Court while deciding the Special Case on its own merits and strictly in accordance with law.

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

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