CGHC010120572026 2026:CGHC:43214-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 948 of 2026

1 - Pankaj Kumar Choubey S/o Ramakant Choubey Aged About 29 Years R/o Village And Post Semra Police Station Nawagarh District Janjgir-Champa (C.G.)

AKHILESH KUMAR DEWANGAN Digitally signed by AKHILESH KUMAR DEWANGAN

2 - Manoranjan Choubey S/o Ramakant Choubey Aged About 33 Years R/o Village And Post Semra Police Station Nawagarh District Janjgir-Champa (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Home, Mantralaya Mahanadi Bhawan Atal Nagar New Raipur District Raipur (C.G.)

2 - Superintendent Of Police District- Janjgir-Champa (C.G.)

3 - Station House Officer Police Station Nawagarh District- Janjgir-Champa (C.G.)

4 - Bhuvneshwar Choubey S/o Late Jeevrakhan Choubey R/o Village And Post Semra Police Station Nawagarh District Janjgir-Champa (C.G.)

5 - Vidyabhushan Choubey S/o Late Jeevrakhan Choubey R/o Village And Post Semra Police Station Nawagarh District Janjgir-Champa (C.G.)

6 - Nand Kumar Choubey S/o Late Jeevrakhan Choubey R/o Village And Post Semra Police Station Nawagarh District Janjgir-Champa (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Pankaj Kumar Choubey (petitioner in person)

For Respondents/State : Mr. Shailendra Sharma, Panel Lawyer

For respondent Nos.4, 5 and 6 : Mr. Shikhar Agnihotri, Advocate.

DB: Hon'ble Shri Justice Narendra Kumar Vyas &
Hon'ble Shri Justice Sudhir Kumar
Order on Board

06.10.2026

***Per* Narendra Kumar Vyas, J**

1. The petitioner-in-person has filed the present Criminal Miscellaneous Petition seeking quashing of FIR No. 61/2026 dated 17.02.2026 registered at Police Station Nawagarh, District – Janjgir-Champa (C.G.), for the offences punishable under Sections 296, 115(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita (for short 'BNS').

2. The case of the prosecution, in brief, is that on 17.02.2026 at about 8:00 p.m., while the complainant was at his residence in Village Semra, his son Prateek Choubey informed him over the phone that the accused persons, Manoranjan Choubey and Pankaj Choubey, were abusing him in front of their house. Thereafter, the complainant reached his house and found both accused persons fixing a wire fence on the land while abusing him. When the complainant objected to the same, both accused persons, in furtherance of their common

intention, abused him, threatened to kill him and assaulted him with fists and by throwing bricks, causing injury near his left finger. The incident was witnessed by his son Prateek Choubey and Pushpar Choubey. On the basis of the aforesaid incident, FIR has been lodged against the accused persons. Hence, the petitioner.

3. The petitioner-in-person would submit that the registration of the FIR is nothing but an abuse of the process of law, as the respondents have deliberately and repeatedly violated the interim order passed by this Court vide order dated 06.04.2015 in F.A. No.40 of 2015. He would further submit that the prosecution without collecting evident and materials on record has submitted the charge-sheet, as such, the FIR is liable to be quashed. He would also submit that after gaining knowledge of the FIR lodged by petitioner No.1 - Pankaj Kumar and the written complaint dated 18.02.2026 (Annexure A/8), the private respondents No.4 to 6, in collusion with respondent No.3, got a counter-FIR bearing Crime No.61/2026 registered against the petitioners on 17.02.2026 for the alleged offences punishable under Sections 296, 115(2), 351(3) and 3(5) of the BNS arising of the same incident. The registration of the said counter-FIR is a *mala fide* and retaliatory action, instituted with an ulterior motive to counterblast the FIR lodged by the petitioners. He would also submit that false allegations have been levelled against the petitioner and false information has been given to the Court. As such, the FIR is liable to be quashed.

4. On the other hand, learned counsel appearing for respondent Nos.4, 5 and 6 would oppose the submissions made by the petitioner-in-person.

5. We have heard learned counsel for the parties and perused the record.

6. Considering the fact that both the parties have lodged FIRs against each other in respect of the same incident, and having regard to the submissions made by the petitioner-in-person, we are of the view that the issues raised by the petitioner involve disputed questions of fact, which are required to be considered by the trial Court on the basis of the evidence and material brought on record by the parties as well as the material collected by the prosecution in accordance with law. Accordingly, the trial Court shall decide both the cases analogously and if the trial is pending before different Magistrate the learned District Judge, Janjgir-Champa shall issue necessary direction for transferring the case to one Court.

7. With the aforesaid observation / direction the instant petition stands **disposed off**.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Akhil