CGHC010346312026 2026:CGHC:43566-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2621 of 2026

Puneet Chaturvedi S/o Jai Prakash Chaturvedi Aged About 37 Years R/o Mirshadpur, Badlapur, Jaunpur, Uttar Pradesh.

... Petitioner(s)

versus

SANTOSH KUMAR SHARMA
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Date: 2026.10.11 23:24:21 +0530

State Of Chhattisgarh Through The Station House Officer, P.S. Dhourpur, Distt. Sarguja (Ambikapur), Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Sachin Nidhi and Mr. Vikash Upadhyay, Advocates
For Respondent(s)	:	Ms. Vaishali Mahilong, Dy. Govt. Advocate

Division Bench

Hon'ble Shri Justice Narendra Kumar Vyas &

Hon'ble Shri Justice Sudhir Kumar

Order on Board

08.10.2026

Per Narendra Kumar Vyas, J.

1. The petitioner has filed this petition under Section 528 of BNSS, 2023 with a prayer for quashing of the FIR No. 57 of 2025 dated 13.12.2025 registered by Sub Inspector at P.S. Dhourpur, District Sarguja (Ambikapur), charge sheet No. 7 of 2026 dated 31.03.2026 and

subsequent registration of Sessions trial No. 137 of 2026 pending before the Court of 4th Additional District and Sessions Judge, Surajpur.

2. Facts of the case in brief are that merg intimation No. 35 of 2025 under Section194 BNSS was registered at the police Station Dhourpur District Sarguja by informer Kaushal Mishra wherein it has been stated that deceased Omprakash Upadhyay, resident of Bahauddinpur, Police Station-Tejibazar, District-Jaunpur (Uttar Pradesh) was engaged in contract work with Panchayat department. On 13.09.2025, he along with the deceased stayed in Gram Panchayat Bhawan Dhourpur and rest of the staff stayed in the village Masga. It is alleged that the deceased was very upset due to family problem. On 20.09.2025, the informant called the deceased but he did not pick up the phone then he went to the Panchayat Bhawan with other people and saw that the deceased Omprakash Upadhyay had committed suicide by hanging himself after locking the door from inside. The police recorded the statements of the witnesses and prepared panchanama of the body and seized a suicide note wherein it has been mentioned that marriage of his daughter was solemnized with Punit Chaturvedi in the year 2019, after few years of marriage, Punit Chaturvedi used to harass Sonal Upadhyay in the name of dowry and demanded money from the deceased. It is also alleged that Punit Chaturvedi had taken loan of Rs 10 lakh in the name of the deceased's daughter Sonal Upadhyay and due to non-payment of installment her daughter had gone somewhere without informing her in-laws. The deceased was called by the bank employee for recovery of loan, due to harassment meted out by the Punit Chaturvedi, the deceased committed suicide by hanging himself in Panchayt Bhawan.

The Police registered FIR under Section 108 BNS against the accused. On the basis of material collected by the prosecution, FIR and charge sheet under Section 108 of BNS.2023 was submitted before the judicial Magistrate First Class which has been committed and registered as Sessions Trial No. 137 of 2026.

3. Learned counsel for the petitioner would submit that there is matrimonial dispute between his wife, who is daughter of the deceased, as such he has already lodged FIR on 08.11.2023 before Police Station Badlapur District Jaunpur UP bearing Crime No. 326 of 2023 against boyfriend of Sonal Upadhya namely Pramod Tiwari for commission of offfence under Sections 386,504 and 507 of the IPC alleging that accused Pramod Tiwari used to extort the money and he may cause any mishap with his wife, therefore, he lodged the FIR against Pramod Tiwari.

4. He would further submit that the prosecution has not collected any material against the petitioner that he has instigated the deceased to commit suicide. He would further submit that the deceased was called for interrogation by the police for the FIR lodged against him which cannot be said to be instigated on the part of the petitioner and would pray for quashing of charge sheet as well as consequential Sessions trial No. 137 of 2026 pending before Sessions Court Ambikapur. To substantiate his submission, he would refer to the judgment of Hon'ble Supreme court in the case of **Patel Joshnaben Pravinkumar Patel and ors. vs. State of Gujarat and Anr. reported in 2026 INSC 886** and would refer to paragraph-25 of the said judgment which is as under;-

> 25. In matrimonial relationship, often differences arise between the husband and wife where they tend to blame each other and institute proceedings against each other. Initiation of such proceedings cannot by itself be taken as an act of instigation to commit suicide. Because, ultimately, it is for the courts to decide whether those proceedings are bona-fide or mala-fide .

5. On the other hand, learned counsel for the State opposes the submission made by counsel for the petitioner and would submit that the Division Bench has already dismissed the CrMP filed by the petitioner for quashing of the FIR in CrMP No. 373 of 2026 on 04.02.2026 and the Hon'ble Division Bench in paragraph-11 of its order has held that this court finds that the impugned FIR discloses the commission of a cognizable offence and contains specific allegation which, if it is taken at their face value, prima-facie attracts the offence alleged. The contentions raised by the petitioner regarding delay in lodging the FIR alleged suppression of the dying declaration, false implication due to matrimonial discord, and prior litigation are all matters involving dispute questions of act, which cannot be adjudicated in proceedings under Section 528 of the BNSS.

6. She would further submit that once the Hon'ble Division has already dismissed the petition for quashing of the FIR, the subsequent petition for quashing of the charge sheet and proceedings of Sessions trial is nothing but an abuse process of law, as such subsequent charge sheet cannot be quashed at this juncture. She would further submit that the prosecution has collected the material against the petitioner i.e. suicidal note wherein the name of the petitioner has been mentioned though its correctness can be ascertained during the trial only, as such there is sufficient material against the petitioner regarding instigation to the

deceased to commit suicide which cannot be brushed aside at this stage and would pray for dismissal of the petition.

7. We have heard learned counsel for the parties, perused the impugned charge sheet and the material placed on record.

8. From perusal of the statements of the witnesses collected by the prosecution and statement of wife of the deceased recorded during investigation wherein she has stated that the petitioner was taken loan ₹10,000,000 in the name of her daughter from Badlapur branch of Bank of Baroda and due to non payment by the petitioner, the employee of bank has initiated steps to recover the money from her husband. She further deposed that the petitioner and his brother committed cruelty with her daughter and demanded money on account of dowry and when the demand was not fulfilled by the deceased then petitioner used to adopt pressure tactics upon the deceased due to which he has committed suicide by hanging.

9. From perusal of the statements of the witnesses and the suicidal note as well as the contents of the FIR, we are of the view that there is material against the petitioner for continuation of criminal proceedings for commission of offence under Section 108 of BNSS i.e. for abetment to commit suicide as there is prima-facie proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, or instigation or provocation or intend to abet the deceased by the petitioner and prima-facie the accused has contributed to commit suicide by the deceased by some direct or indirect act and there is positive act in proximity to the time of occurrence on the part of the accused that led a person to commit suicide. Therefore, we are of the

view that there is some material against the petitioner which may not be ruled out that he was not involved in crime in question and the fact that the trial is at nascent stage, therefore, this Court cannot interfere while hearing CrMP, in view of law laid down by the Hon'ble Supreme Court in the case of **Neeharika Infrastructure Private Limited vs. State of Maharashtra and others reported 2021 (19) SCC 401** wherein the Hob'ble Supreme Court has held as under:-

> 13.13. The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be cautious. It casts an onerous and more diligent duty on the court;
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> 13.14) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;
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> 13.15) When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.
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> 14. Whether the High Court would be justified in granting stay of further investigation pending the proceedings under Section 482 CrPC before it and in what circumstances the High Court would be justified is a further core question to be considered.
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> 15. Before passing an interim order of staying further investigation pending the quashing petition under Section 482 Cr.P.C. and/or Article 226 of the Constitution of India, the High Court has to apply the very parameters which are required to be considered while quashing the proceedings in exercise of powers under Section 482 Cr.P.C. in exercise of its inherent jurisdiction,referred to hereinabove.
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> 19. As observed hereinabove, there may be some cases where the initiation of criminal proceedings may be an abuse of process of law. In such cases, and only in exceptional cases and where it is found that non interference would result into miscarriage of justice, the High Court, in exercise of its inherent powers under

> Section 482 Cr.P.C. and/or Article 226 of the Constitution of India, may quash the FIR/complaint/criminal proceedings and even may stay the further investigation. However, the High Court should be slow in interfering the criminal proceedings at the initial stage, i.e., quashing petition filed immediately after lodging the FIR/complaint and no sufficient time is given to the police to investigate into the allegations of the FIR/complaint, which is the statutory right/duty of the police under the provisions of the Code of Criminal Procedure. There is no denial of the fact that power under Section 482 Cr.P.C. is very wide, but as observed by this Court in catena of decisions, referred to hereinabove, conferment of wide power requires the court to be more cautious and it casts an onerous and more diligent duty on the court. Therefore, in exceptional cases, when the High Court deems it fit, regard being had to the parameters of quashing and the self-restraint imposed by law, may pass appropriate interim orders, as thought apposite in law, however, the High Court has to give brief reasons which will reflect the application of mind by the court to the relevant facts.

10. Further considering the order passed by the Division Bench on 04.02.2026 in CrMP No. 373 of 2026 (Puneet Chaturrvedi vs. State of Chhattisgarh) wherein the Division Bench has dismissed the petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023(for short BNSS) for quashing of FIR No. 57 of 2025 dated 13.12.2025 which has also been assailed by the petitioner in this petition without any challenge to the order passed by the Division Bench, the present CrMP for the same relief of quashing of the FIR and subsequent charge sheet is not maintainable and same is liable to be dismissed on this court also.

11. Consequently, the present CrMP deserves to be dismissed and it is hereby dismissed.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Santosh