CGHC010364862026 2026:CGHC:43825-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 548 of 2026

1 - Suryabhan Baheru Shinde S/o Shri Baheru Shinde Aged About 55 Years R/o Karanwadi, Tehsil Kelapur District Yavatmal Maharashtra.
2 - Bhaurao Baheru Shinde S/o Shri Baheru Shinde, Aged About 59 Years R/o Jawaharnagar (Wagdha) Tehsil Kelapur District Yavatmal Maharashtra.
3 - Tana Baheru Shinde S/o Shri Baheru Shinde Aged About 52 Years R/o Jawaharnagar (Wagdha) Tehsil Kelapur District Yavatmal Maharashtra.
4 - Sagar Eknath Chauhan S/o Eknath Chouhan Aged About 26 Years R/o Pimpalshenda Tehsil Kelapur District Yavatmal Maharashtra.
5 - Ashish Suryabhan Shinde S/o Shri Suryabhan Shinde, Aged About 20 Years R/o Karanwadi, Tehsil Kelapur District Yavarmal Maharashtra.

... Petitioner(s)

versus

1 - State of Chhattisgarh Through The Secretary Home Department Mahanadi Bhawan Atal Nagar Nava Raipur District Raipur C. G.
2 - Director General Of Police Police Head Quarter Atal Nagar Nava Raipur Raipur District Raipur C. G.
3 - Superintendent Of Police Kanker District Kanker C. G.
4 - Station House Officer, Police Station Pakhanjur District Kanker C. G.
5 - Santu Usendi S/o Chetu Usendi Aged About 28 Years R/o Village Sangam Tehsil Pankhajur District Kanker C. G.
6 - Rambhau Motiram Shinde S/o Motiram Shinde Aged About 55 Years R/o Bhandari (Shivar) Taluka, Arni, Police Station, Ghatanji District Yavatmal Maharashtra.
7 - Raju Alias Rajendra Rambhau Shinde, S/o Rambhau Shinde Aged About 30 Years R/o Bhandari (Shivar) Taluka Arni Police Station Ghatanji District Yavatmal Maharashtra.
8 - Vikas Alias Manya Rambhau Shinde S/o Rambhau Shinde Aged About 55 Years R/o Bhandari (Shivar) Taluka, Arni, Police Station Ghatanji District Yavatmal Maharashtra.

... Respondents

For Petitioners	**:**	Mr. Harshmander Rastogi, Advocate.
For State	**:**	Mr. Saumya Rai, Dy. Govt. Advocate.

ARUN KUMAR DEWANGAN
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Date: 2026.10.13 10:53:02 +0530

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

09/10/2026

***Per* Narendra Kumar Vyas J.**

1. This petition has been filed by the petitioners for quashing of the FIR No. 145/2026 registered at Police Station- Pakhanjur, Kanker (C.G.) for commission of offence under Sections 318(4) & 3(5) of the Bhartiya Nyay Sanhita, 2023.

2. The brief facts, as reflected from the records, are that the aforesaid FIR was lodged by Santu Usendi, son of Chaitu Usendi, against five unknown persons, alleging that between 10.05.2026 and 17.05.2026, five persons came to his house disguised as *tantriks*. They allegedly told him that gold was buried in his house and threatened that the head of his family would die if the gold was not taken out. They further assured him that they could retrieve the gold by performing certain *tantra-mantra* rituals. Believing their representations, the complainant allegedly paid a total sum of Rs. 4,10,000/-, comprising Rs. 1,80,000/- in cash and amounts of Rs. 1,50,000/- and Rs. 80,000/- borrowed from Amit Usendi and Susan Potai, respectively. However, the said amount was not returned to him, resulting in the registration of the aforesaid FIR.

3. Learned counsel for the petitioners would submit that the petitioners are innocent and have been falsely implicated in the crime in question. He would further submit that another FIR No. 73/2024 has been lodged by one Laxman Mandavi alleging the same allegations against Parvin Shegar, Arvind Shegar, Bandu Sinde, Yuvraj Sinde, Hiralal Jagtab,

Ramkrishna Jharekar & Sahebrao Shegar wherein it has been alleged that the accused persons have taken Rs. 7,00,000/- by committing fraud. He would further submit that respondents No. 6 to 8 belong to Maharashtra and have previous enmity with the petitioners, therefore, the petitioners have been falsely implicated in the crime in question and would pray for quashing of the FIR.

4. On the other hand, learned State counsel opposing the submission made by learned counsel for the petitioners would submit that several persons, resident of Yavatmal, Maharashtra, are allegedly involved in offences of a similar nature. He would further submit that considering the gravity of the allegations and the fact that the investigation is at its initial stage, the registration of the FIR cannot be said to be illegal and would pray for dismissal of the writ petition.

5. We have heard learned counsel for the parties and perused the documents place on record with utmost satisfaction.

6. From perusal of the FIRs, it is quite vivid that allegations of a similar nature have been made against certain persons in different cases registered in the State of Chhattisgarh. The prosecution has alleged that persons originating from Yavatmal, Maharashtra, are involved in the same nature of offence and investigation is at nascent stage, therefore, this Court cannot conduct roving or fishing enquiry at this stage. The view taken by this Court is fortified by Hon'ble the Supreme Court in the case of **Neeharika Infrastructure Private Limited vs. State of Maharashtra and others [(2021) 19 SCC 401]** wherein it has been held as under:-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;

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;

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.

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.

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.

xxxx xxxx xxxx xxxx

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.

7. From perusal of record, it is also quite vivid that the investigation is at a nascent stage, and the investigating agency must be afforded an opportunity to ascertain the truth of the allegations. The apprehension of false implication on account of previous enmity, as raised by the petitioners, cannot, without further examination of the relevant material, constitute a sufficient ground for quashing the FIR at this stage.

8. Considering these aspect of the matter, the law laid down by Hon'ble the Supreme Court as aforestated, the gravity of offence as innocent persons are being defalcated, we are of the considered opinion that nothing is required to be entertained in the instant petition by this Court at this stage.

9. The instant petition *sans* merit is liable to be and is hereby dismissed.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Arun