CGHC010391072026 2026:CGHC:43618

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7379 of 2026

Deepak Singh S/o Late Kameshwar Singh Aged About 38 Years Constable No. 537, R/o Minus Colony, Bishrampur, District Surajpur (C.G.)

... Petitioner

versus

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

2 - Deputy Inspector General of Police and Senior Superintendent of Police, District-Surajpur (C.G.)

3 - The Deputy Superintendent of Police Surajpur/inquiry Officer, District - Surajpur (C.G.)

4 - The Sub Divisional Officer Police Subdivision Premnagar District- Surajpur (C.G.)

5 - Virat Vici / Presenting Officer Police Station Ramanujnagar District - Surajpur (C.G.)

6 - Ashok Giri Reserve Inspector, Police Line Surajpur District - Surajpur (C.G.)

... Respondents

For Petitioner	:	Mr. Karunendra Narayan Singh, Advocate
For State/Respondent	:	Ms. Apurva Nigam, PL

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

08/10/2026

ASHUTOSH MISHRA
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Date: 2026.10.09 11:38:58 +0530

1. By this petition, the petitioner has called in question the charge-sheet dated 18.04.2026 issued against him, principally on the ground that the preliminary inquiry preceding the issuance of the charge-sheet was conducted without affording him proper opportunity of hearing.

2. Learned counsel appearing for the petitioner submits that the petitioner was unable to appear before the Preliminary Inquiry Officer on account of his medical condition and other compelling circumstances. It is submitted that the petitioner had furnished medical documents in support of his inability to appear, but the same were not properly considered and the preliminary inquiry was proceeded *ex parte*. It is further submitted that the preliminary inquiry report dated 07.04.2026 was thereafter prepared and, on the basis thereof, the impugned charge-sheet has been issued against the petitioner. According to learned counsel, the entire action is contrary to the principles of natural justice and, therefore, the charge-sheet deserves to be quashed.

3. Per contra, learned State counsel opposes the petition and submits that the petitioner was duly issued notices during the course of the preliminary inquiry and was afforded sufficient opportunity to appear and place his case before the Inquiry Officer. However, the petitioner failed to cooperate with the proceedings and did not avail the opportunity so afforded to him. It is submitted that, in these circumstances, the preliminary inquiry was completed on the basis of the material available on record and the charge-sheet was thereafter issued. Learned State counsel further submits that the petitioner cannot seek quashing of the charge-sheet at this preliminary stage, as the allegations

are yet to be adjudicated in the departmental proceedings.

4. I have heard learned counsel for the parties and perused the material available on record.

5. The principal grievance of the petitioner is that the preliminary inquiry was conducted without affording him an opportunity of hearing. However, the said submission is specifically disputed by the State, which submits that notices were duly issued to the petitioner and opportunity was afforded to him to participate in the preliminary inquiry, but he failed to cooperate with the proceedings.

6. At this stage, this Court is not required to adjudicate upon the disputed question as to whether the petitioner was sufficiently noticed, whether the opportunity afforded to him was adequate, or whether his non-appearance was justified on account of the medical circumstances pleaded by him. Mere non-participation of delinquent employee in the preliminary enquiry, as has been claimed by the petitioner, cannot be a ground for quashment of the charge-sheet issued thereafter.

7. It is well settled that ordinarily a charge-sheet should not be quashed at the initial stage. The issuance of a charge-sheet does not amount to a determination of guilt. The delinquent employee gets an adequate opportunity in the course of the disciplinary proceedings to submit his defence, produce the relevant documents and raise all factual and legal objections available to him.

8. In the present case, the petitioner seeks to challenge the very initiation of the disciplinary proceedings primarily on the ground that the preliminary

inquiry was conducted in violation of the principles of natural justice. On the other hand, the State asserts that notice was duly issued and the petitioner himself failed to cooperate.

9. This Court, while exercising jurisdiction under Article 226 of the Constitution, would ordinarily not undertake such an examination at the stage when the charge-sheet has merely been issued, particularly when the petitioner has an efficacious opportunity to raise all his objections before the Disciplinary Authority. The Hon'ble Supreme Court in ***Secretary, Ministry of Defence and Others v. Prabhash Chandra Mirdha, (2012) 11 SCC 565***, has reiterated that a charge-sheet ordinarily should not be quashed at the initial stage and that the delinquent employee has ample opportunity to raise all his pleas before the Disciplinary Authority.

10. In view of the aforesaid legal position, this Court is not inclined to interfere with the impugned charge-sheet at this stage. Needless to observe that this Court has not expressed any opinion on the merits of the allegations contained in the charge-sheet. The Disciplinary Authority shall consider the defence of the petitioner independently and strictly in accordance with law.

11. In view of the foregoing discussion, the writ petition, being not maintainable at this stage and devoid of merit, is dismissed at the motion stage itself.

SD/-
(Bibhu Datta Guru)
JUDGE

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