CGHC010396582026 2026:CGHC:43930

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2625 of 2026

1 - Sanjay Kumar Agrawal S/o- Late Trijuginarayan Agrawal Aged About 50 Years R/o- House No. 88, Avrethi Para, Near New Bus Stand, Balbhadra Ward, Bhatapara, Tahsil -Bhatapara, District Balodabazar-Bhatapara (C.G.), Mo. No. 9827166533

2 - Pranadhar Agrawal, S/o- Late Shri Atmanand Agrawal Aged About 74 Years R/o- Agrawal Para Arang, Police Station And Tahsil Arang, District Raipur (C.G.), Mo. No. 9893832033

... Petitioners

ALFIZA BAIG
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Date: 2026.10.12 10:56:19 +0530

versus

1 - Animesh Agrawal S/o- Late Awadhbihari Agrawal Aged About 50 Years R/o- Shivaji Chowk Rajim, Police Station And Tahsil- Rajim, District - Gariyaband (C.G.)

2 - Radheshyam Arya @ Gabbar, S/o- Govindram Arya, Aged About 50 Years R/o- Sant Kawarram Ward, Bhatapara, Police Station And Tahsil Bhatapara, District Balodabazar-Bhatapara (C.G.)

3 - Diwakar Mishra, S/o- Nalinikant Mishra Aged About 43 Years R/o-Sadar Bazar Bhatapara, Police Station Tahsil - Bhatapara, District - Balodabazar-Bhatapara (C.G.)

... Respondents

For Petitioners	:	Mr. Sourav Agrawal, Advocate
For Respondents	:	None

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

09.10.2026

1. This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 against the order dated 25.08.2026 passed by the learned Judicial Magistrate First Class, Bhatapara, District-Balodabazar, Bhatapara (C.G.) in unregistered complaint case, whereby the application filed by petitioners is dismissed for want of prosecution (Annexure P/1).

2. Learned counsel for the petitioners submits that the petitioners have filed a complaint on 13.09.2023 and thereafter, the petitioners are diligently prosecuting the complaint case through their Advocates. Only on 25.08.2026 neither the petitioners nor their advocates appeared and only on one default learned trial Court has dismissed the complaint filed by petitioners for want of prosecution, adjourning the same to some other date. The dismissal of case for want of prosecution is arbitrary. He also submits that till date notice was not issued to respondents/non-applicants by the learned trial court.

3. I have heard learned counsel for the petitioners and perused the order sheets enclosed along with this petition.

4. Perusal fo the record would show that petitioners have enclosed the entire order sheets i.e. from 13.09.2022 till 25.08.2026. Perusal of the order sheets would show that in most of the dates the complainants are represented through their Advocates namely Sanjay Kumar Agrawal

and Hemant Sahu. Prior to dismissal of the complaint for want of prosecution there is appearance of their Advocates on 28.01.2026, 19.03.2026 and 13.04.2026 which shows that the complainant is prosecuting their case diligently and therefore, in the opinion of this Court, dismissal of complaint case for want of prosecution, instead of adjourning to some other date, is completely arbitrary and not sustainable. Accordingly, the order dated 25.08.2026 is hereby set aside.

5. It is directed that the unregistered case between **Sanjay Kumar Agrawal and Other Vs. Animesh Agrawal and others** pending before the learned Judicial Magistrate First Class Bhatapara, District-Balodabazar Bhatapara (C.G.) is restored.

6. With the aforesaid observation and direction, this petition stands disposed of.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
JUDGE

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