CGHC010420962026 2026:CGHC:46158-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2749 of 2026

R. Shyam Sunder Patnayak S/o Shri R.V. Rao Aged About 38 Years R/o Block -12 Sector -05 Bhilai Dist - Durg (C.G.) Currently Posted As Assistant Engineer At Nagar Panchayat- Raigarh (C.G.)

... Petitioner(s)

versus

1. State Of Chhattisgarh Through S.H.O. Police Station- Deobhog District Gariyaband (C.G.)
2. Sandeep Chandrakar S/o Shri Drupad Chandrakar Aged About 38 Years R/o Ward- 02 Bagbahra P/s Bagbahra District - Mahasamund (C.G.) (Complainant)

... Respondent(s)

For Petitioner(s)	:	Mr. Adarsh Tiwari, Advocate
For Respondent(s)	:	Ms. Vailashi Mahilong, Dy. GA

Division Bench

Hon'ble Shri Justice Narendra Kumar Vyas &

Hon'ble Shri Justice Sudhir Kumar

Order on Board

02.11.2026

SANTOSH KUMAR SHARMA
Digitally signed by SANTOSH KUMAR SHARMA
Date: 2026.11.03 00:05:20 +0530

Per Narendra Kumar Vyas, J.

1. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), being aggrieved by the First Information Report (FIR) bearing Crime No. 141/2026 registered at Police Station Deobhog, District Gariyaband (C.G.) on 07.05.2026 under Sections 296, 115(2) and 3(5) of the BNS as well as consequent the charge-sheet bearing No. 162 of 2026 on 21.06.2026 filed before the learned Judicial Magistrate First Class, Deobhog, District Gariyaband (C.G.), registered as Criminal Case No. 1140/2026 under Sections 296,115(2),3(5),351(3),221,121(1),132,127(2),117(2) of the BNS.
2. The case of the prosecution is that Respondent No.2 who is working as Assistant Grade-III/ in-charge Accountant at Nagar Panchayat Deobhog lodged the report alleging that the petitioner was working as Sub Engineer in the same Nagar Panchayat on 07.05.2026 he along with other co-accused entered in the chamber of CMO and abused him on account of undue delay in release of his salary and committed marpit with him. On the basis of FIR, offence under Sections 296, 115(2) and 3(5) of the BNS has been registered. Subsequently, the Police investigated the matter and submitted the charge sheet under Sections 296, 115(2), 3(5), 351(3), 221, 121(1), 132,127(2),117(2) of the BNS.
3. Learned counsel for the petitioner would submit that in the complaint there is no whisper about the grievous injuries caused to complainant /respondent No.2, even the CCTV footage has not been taken into

consideration while adding the present charges. He would further submit that the petitioner has lodged the FIR against the complainant under Sections 296 and 351(3) of the BNS, as such it is a counterblast. Thus, he would submit that the FIR, charge-sheet, as well as the entire proceedings arising therefrom, are liable to be quashed.

4. On the other hand, learned counsel for the State opposes the submission and would submit that whether the injuries caused to respondent No. 2 or not can very well ascertain by the trial Court while recording the evidence. Even the submission made by learned counsel for the petitioner that in the complaint there is no whisper about the grievous injuries caused to respondent R/2, as such it is exaggeration of the events which are all his defense can be considered and decided by the trial Court and would prays for dismissal of the present CRMP.
5. We have heard learned counsel for the parties and perused the records.
6. Having heard the submissions advanced by learned counsel for the parties and considering the fact that in the complaint, there is no whisper about the injuries caused to respondent No.2 and subsequently it has been added to make the offence heinous cannot be ascertained by this Court as it requires appreciation of evidence by the trial Court and whatever grounds is taken by the petitioner in the petition all are his defense and it is matter of evidence which can be adjudicated by the trial Court during the trial. Also considering well settled parameters laid down by the Hon’ble Supreme Court that while hearing the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 /482 of the

CrPC, this court cannot conduct a fishing or roving enquiry, in view of the parameters laid down by the Hon'ble Supreme Court, we are of the view that no case is made out for interference. Accordingly, the present CrMP being devoid of merit is labile to be dismissed and it is dismissed.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Santosh