CGHC010431842026 2026:CGHC:46862-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2845 of 2026

1 - Wahab Khan S/o Late Sardar Khan Aged About 67 Years R/o- Bar Para, Gandhi Chowk, Dunda, Sejbahar, Raipur, (C.G.) Pin- 492015

2 - Nabee Khan S/o Wahab Khan Aged About 39 Years R/o- Bar Para, Gandhi Chowk, Dunda, Sejbahar, Raipur, (C.G.) Pin- 492015

3 - Abjal Khan S/o Wahab Khan Aged About 47 Years R/o- Bar Para, Gandhi Chowk, Dunda, Sejbahar, Raipur, (C.G.) Pin- 492015

4 - Khairunnnisha W/o Wahab Khan Aged About 65 Years R/o- Bar Para, Gandhi Chowk, Dunda, Sejbahar, Raipur, (C.G.) Pin- 492015

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

2 - Director General Of Police (D.G.P) Police Headquarters (P.H.Q), Sector-19, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

3 - Commissioner Of Police Commissionarate Raipur, District- Raipur (C.G.)

4 - Superintendent Of Police (S.P) Raipur, District- Raipur (C.G.)

5 - Station House Officer (S.H.O) Police Station- D.D. Nagar, Raipur, District- Raipur (C.G.)

6 - Gautam Bhoi Investigating Officer/ Head Constable (No. 414), Police Station- D.D. Nagar, Raipur, District- Raipur (C.G.)

7 - Arun Tiwari Investigating Officer/ Head Constable (No. 771), Police Station- D.D. Nagar, Raipur, District- Raipur (C.G.)

... Respondents

For Petitioners	**:**	Mr. Md. Anwar Ansari, Advocate
For State	**:**	Ms. Anusha Naik, Dy. Government Advocate

DB: Hon'ble Shri Justice Narendra Kumar Vyas &

Hon'ble Shri Justice Sudhir Kumar

Order on Board

05.11.2026

Per Narendra Kumar Vyas, J.

1. The petitioner/accused has filed the instant petition praying for the following reliefs:-

> "10.1 That, the complete case diary/police record of the matter be called for, and the competent authorities be directed to provide clear and legible copies of all relevant documents, including the post-mortem report and other connected records, in accordance with law.
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> 10.2 That, the impugned final report/charge sheet dated 28.12.2025 filed by the local police in connection with the unnatural and suspicious death of the deceased in Crime No. 0260/2025, Police Station D.D. Nagar, Raipur, may kindly be quashed and set aside in the interest of justice and the proceedings of the learned trial Magistrate be also ordered to be stayed until the disposal of the present petition.
>
> 10.3 That, this Hon'ble Court may kindly be pleased to direct a fresh, fair, impartial, and independent further investigation into the matter through the Central Bureau of Investigation (CBI) or Crime Investigation Department (CID) or Special Investigation Team (SIT) under the direct monitoring of this Hon'ble Court, in accordance with law.
>
> 10.4 That, competent authorities may kindly be directed to examine the material discrepancies in the date, time and circumstances of the deceased's death and to consider the relevant medical, electronic and forensic evidence, including the availability of CDR, tower location and CCTV footage, in accordance with law.
>
> 10.5 That this Hon'ble Court may graciously be pleased to grant any other appropriate order(s), direction(s), or relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice."

2. The facts as reflected from the record are that the complainant lodged an FIR bearing Crime No. 260/2025 against an unknown person, being the driver of the offending motorcycle alleging that on 01.03.2025, at around 03:30 PM, the deceased Rahmatullah Khan, son of petitioner No. 1, was walking on the road in front of Jaiyka Auto Mobile when a motorcycle bearing registration No. CG04/ND/8581, being driven rashly and negligently, dashed against him due to which the deceased sustained injuries on his head, hands, face and other parts of his body. Thereafter, he was immediately admitted to AIIMS Hospital, Raipur, where he succumbed to his injuries on the night of 01.03.2025. On the basis of the merg intimation received from AIIMS, Raipur, a criminal case was registered against the driver of the aforesaid motorcycle under Section 106(1) of the Bharatiya Nyaya Sanhita, 2023 and upon completion of the investigation, the prosecution submitted the charge-sheet before the learned Judicial Magistrate First Class, Raipur.

3. Learned counsel for the petitioners would submit that there is a discrepancy in the time of occurrence mentioned in the records concerning the place of incident, which raises serious doubts regarding the fairness and proper conduct of the investigation by the prosecution. He would further submit that the statements of the petitioners, who are the father and mother of the deceased, have not been recorded during the course of investigation and also submitted that the prosecution has collected the relevant materials merely on the basis of a notice issued under the Motor Vehicles Act, without conducting a proper and effective investigation and has prayed for the reliefs as mentioned above.

4. Learned counsel for the State opposing the submissions made by learned counsel for the petitioners would submit that the alleged

discrepancies and shortcomings in the investigation cannot be examined by this Court while exercising its jurisdiction under Article 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. She would further submit that the issues raised by the petitioners, particularly with regard to the alleged defects in the investigation and non-recording of statements of the petitioners, can very well be adjudicated in the appropriate claim proceedings under the Motor Vehicles Act and would pray for dismissal of the petition.

5. We have heard learned counsel for the parties and perused the documents annexed with the petition.

6. From perusal of the record, it is quite vivid that the statement of the wife of the deceased has already been recorded during the course of investigation. It has also been brought to the notice of this Court that there exists an *inter se* family dispute between the petitioners and the wife of the deceased.

7. In view of the fact that the statement of the wife of the deceased has already been recorded during the course of investigation, and considering the material available on record, we do not find any sufficient ground warranting interference by this Court in exercise of its jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, accordingly, the instant Criminal Miscellaneous Petition is dismissed.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Bhumika