



2026:CGHC:13619-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 826 of 2026**

1 - Satish Kumar Sonwani S/o Ramlal Sonwani Aged About 42 Years
R/o Gali No. 2, Vv Vihar, Mowa Raipur, Shankar Nagar, Raipur
Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Station House Officer, Police Station
Janjgir, District Janjgir-Champa Chhattisgarh

2 - Satendra Patanwar S/o Rameshwar Prasad Aged About 29 Years
R/o Village Basanpara, District - Koriya Chhattisgarh (Complainant)

... Respondent(s)

For Petitioner(s) : Mr. Kashish Saluja, Advocate.

For Respondent/State : Mr. Priyank Rathi, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****23/03/2026**

1. Heard Mr. Kashish Saluja, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Govt. Advocate, appearing for the Respondent/State.
2. The present petition has been filed by the petitioner with the



following prayer:

"1. That, this Hon'ble Court may kindly be pleased to quash the FIR dated 20.09.2024 registered at Police Station Janjgir, District Janjgir, quash the entire charge sheet dated 20.07.2025, bearing No. 512/2025, filed against the petitioner in crime No.741/2024 for the offence punishable U/s 420, 34 of the IPC and 108, 111 (2)(a) of the BNS before the learned Sessions Court, Janjgir, District Janjgir Champa (C.G.). (ANNEXURE- P/1).

2. That, this Hon'ble Court may kindly be pleased to quash the order of taking cognizance dated 06.10.2025 (ANNEXURE P/2), order of framing charges dated 26.12.2025 (ANNEXURE P/3), Sesscons Criminal Case No. 99/2025, filed against the petitioner in crime No. 741/2024 for the offence punishable U/s 420, 34 of the IPC and 108, 111(2)(a) of the BNS before the learned Sessions Court, Janjgir, District - Janjgir Champa (C.G.).

3. That, this Hon'ble Court may kindly be pleased to quash all proceedings arising out



of the said FIR pending before the learned Sessions Court, sessions Janjgir, District Janjgir Champa (C.G.), Criminal Case No. 99/2025.

4. Any other relief, which this Hon'ble Court deems fit under the facts and circumstances of the case may kindly be granted to the petitioners..”

3. Brief facts of the case are that the FIR was lodged by the complainant, uncle of the deceased, alleging that the deceased had advanced a substantial sum of money to the petitioner and co-accused, which was not returned, and that due to non-payment and alleged threats, the deceased consumed poison and subsequently died. Investigation revealed financial transactions between the parties, including loan agreements and cheques recovered from the deceased's premises; however, there is no direct or indirect evidence to show that the petitioner instigated or harassed the deceased. The petitioner contends that the matter is purely civil in nature, arising from bona fide business dealings, denies any criminal intent, and submits that the essential ingredients of offences under Sections 108 and 111(2)(a) of BNS are not made out, while the prosecution relies on prima facie material to proceed with the trial.

4. Learned counsel for the petitioner would submit that the impugned FIR, charge-sheet, and consequential proceedings are liable to be



quashed as the same do not disclose the essential ingredients of the alleged offences. The entire prosecution case, even if taken at its face value, merely indicates a financial transaction between the petitioner and the deceased, arising out of a loan advanced for business purposes, which by itself cannot give rise to criminal liability. There is no material on record to establish any act of instigation, provocation, or intentional aid on the part of the petitioner so as to constitute an offence of abetment under the relevant provisions of law. The allegations regarding threats are vague, omnibus, and unsupported by any specific details or evidence. Furthermore, the learned trial court has already dropped the offence under Section 420 IPC, thereby negating any element of dishonest intention at inception. It is well settled that mere non-repayment of a loan or financial stress cannot be construed as abetment of suicide in the absence of a direct and proximate act attributable to the accused. Hence, continuation of the present criminal proceedings would amount to abuse of the process of law, and therefore, the same deserve to be quashed in the interest of justice.

5. On the other hand, learned counsel appearing for the Respondent/State opposes the submissions made by learned counsel for the petitioner and would submit that present petition is devoid of merit and is liable to be dismissed, as the FIR, charge-sheet, and material collected during the course of investigation prima facie disclose the commission of cognizable offences. The allegations clearly indicate that the petitioner, along with co-accused persons, had taken a substantial amount of money from the deceased and failed to return the



same, and further subjected him to threats and harassment, which ultimately drove the deceased to commit suicide. The statements of witnesses, recovery of documents including cheques and loan agreements, and the circumstances surrounding the incident collectively establish a strong prima facie case against the petitioner. At this stage, the Court is not required to conduct a meticulous examination of evidence, and if the material on record discloses a triable case, the proceedings ought not to be quashed. The petitioner's defence that the dispute is purely civil in nature is a matter of trial and cannot be adjudicated in proceedings under Section 528 of the Bhartiya Nagarik Suraksha Sanhita. Hence, in view of the gravity of allegations and the material available on record, the present petition deserves to be dismissed.

6. We have heard learned counsel for the parties and perused the material annexed with the petition.

7. On careful consideration of the submissions and perusal of the record, it is observed that the petitioner has failed to demonstrate that the continuation of the criminal proceedings would amount to an abuse of the process of law. The FIR, charge-sheet, and material collected during investigation prima facie disclose a cognizable offence involving financial transactions and circumstances leading to the death of the deceased. The contention of the petitioner that the matter is purely civil in nature and that there was no instigation or abetment requires detailed appreciation of evidence, which cannot be undertaken at this stage. The



material on record indicates sufficient grounds for the trial court to proceed with the case.

8. Further, it is also noted that the trial Court is competent to examine the veracity of the allegations and to decide on the defence raised by the petitioner. At this stage, the Court cannot substitute its opinion for the detailed appraisal of evidence that would occur during trial. Therefore, in view of the aforesaid facts and circumstances of the case, we are not inclined to interfere in the petition, as the order passed by the learned trial Court does not suffer from any illegality or infirmity.

9. In the matter of **Manjit Singh Viridi vs. Hussain Mohammad Shattaf 2023 (7) SCC 633**, the Hon'ble Supreme Court has held in para 12 of its judgement that:-

12. The law on the point has been summarised in a recent judgment of this Court in *State of Rajasthan v. Ashok Kumar Kashyap*³ Relevant paras are extracted below: (SCC pp. 197-98, para 11)

"11....11.1. In *P. Vijayan v. State of Kerala*, this Court had an occasion to consider Section 227 CrPC. What is required to be considered at the time of framing of the charge and/or considering the discharge application has been considered elaborately in the said decision. It is observed and held that at the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. It is observed that in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him. It is further observed that if the Judge comes to a conclusion that there is sufficient



ground to proceed. he will frame a charge under Section 228 CrPC, if not, he will discharge the accused. It is further observed that while exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the court to enter s the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11.2 to the recent decision of this Court in *State of Karnataka v. MR. Memah*, one of us (D. Y. Chandrachud, J) speaking for the Bench has observed and held in para 25 as under: (SCC p. 526)

'25. The High Court ought to have been cognizant of the fact that the trial court was dealing with an application for discharge under the provisions of Section 219 CPC. The parameters which govern the exercise of this jurisdiction have found expression in several decisions of this Court. It is a settled principle of law that at the stage of considering an application for discharge the court must proceed on the assumption that the material which has been brought on the record by the prosecution is true and evaluate the material in order to determine whether the facts emerging from the material, taken on its face value, disclose the existence of the ingredients necessary to constitute the offence. In *State of N. v. N. Suresh Rajan*, adverting to the earlier decisions on the subject, this Court held: (N. Suresh Rajan case, SCC 721-22, para 20)

"29..... At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out To put it differently, if the court thinks that the accused might have the offence on t committed the the basis of the materials on record on its probative value, it can frame the charge, though for



conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."

10. In the present case, there is an allegation against the petitioner that he borrowed a huge amount of about Rs. 1 crore 60 lakhs from the deceased through cash as well as bank transactions. When the deceased asked for a refund of his amount, he threatened him that he was required to give some more money. When the deceased approached the petitioner, the petitioner could not be found at his house, and while returning from his house, he was again threatened by mobile phone. Now, expecting that he would get his money back from the petitioner, he again gave him Rs. 3–4 lakhs, taking it from his friend. Other persons had also borrowed huge amounts from the deceased, and ultimately, she felt cheated by the accused persons. From the house of the deceased, various bank cheques of the petitioner's bank account, certain agreements, and screenshots of online money transfers, etc., were seized. Due to the extreme mental pressure arising from the money transactions between the deceased and the petitioner, the deceased committed suicide. There is evidence of CDR and statements of witnesses, which prima facie implicate the petitioner in the offence in question.

11. Accordingly, the present petition lacks merit, liable to be and hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice