



2026:CGHC:20043-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1219 of 2026**

Vijay Kumar Pandey S/o Late Uday Chand Pandey Aged About 42 Years R/o Plot No. 49, New Kailash Nagar, Kurud, Bhilai, P.S.- Jamul, Distt.- Durg (C.G.)

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

1 - State Of Chhattisgarh Through Station House Officer, Police Station- Utai, District- Durg (C.G.)

2 - Smt. Pooja Tiwari W/o Vijay Kumar Pandey Aged About 33 Years R/o Megh Bazar, Utai, In Front Of Sai Hospital Tehsil And District- Durg (C.G.)

... Respondent(s)

For Petitioner(s) : Mr.Adarsh Rajput, Advocate

For Respondent : Mr.S.S.Baghel, Government Advocate

No.1-State

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****30.04.2026**

1. Heard Mr.Adarsh Rajput, learned counsel for the petitioner as well as Mr.S.S.Baghel, learned Government Advocate appearing for



respondent No.1/State.

2. The present petition has been filed by the petitioner seeking following relief(s):

“It is therefore prayed that, this Hon'ble Court may kindly be pleased to allow this instant petition and quash FIR bearing Crime No.0505/2025 dated 22/12/2025 and charge sheet bearing No.478/25 dated 29.12.2025 filed against the petitioner by the Police Station Utai District Durg (C.G.) for commission of offence which is punishable under section 318(4),85 of B.N.S. Act and set aside the order dated 08.01.2026 passed in RCC/MJC Criminal Case No.158/2026, passed by Judicial Magistrate, First Class, Durg, District Durg (C.G.), whereby the Magistrate has taken the cognizance of the chargesheet and the entire consequential proceedings, in the interest of justice.”

3. Facts of the case are that petitioner, Vijay Kumar Pandey, solemnized marriage with Respondent No. 2 on 24.11.2025 at Utai as per Hindu rites and customs. Prior to the marriage, in July 2025, the petitioner had clearly disclosed to the parents of Respondent No. 2 about his earlier marriage (solemnized in April 2016) and the subsequent divorce by mutual consent dated 19.12.2023 passed by the Family Court, Durg. The said fact was within the knowledge of Respondent No. 2 and her family before engagement. Thereafter, with the consent of both families, the engagement was performed on 04.08.2025, and the marriage was



fixed and solemnized on 24.11.2025. During the period between engagement and marriage, the petitioner and Respondent No. 2 remained in regular contact, met frequently, went on outings, and jointly made preparations for the marriage, reflecting a cordial and voluntary relationship and no dowry was ever demanded or accepted by the petitioner or his family members. On the contrary, the petitioner incurred expenses towards marriage arrangements and customary items.

4. After marriage, Respondent No. 2 resided at the matrimonial home from 25.11.2025 and lived peacefully without raising any grievance. On 01.12.2025, on the pretext of the "Pag Phera" ritual, Respondent No. 2 left the matrimonial home along with her brother, taking her belongings and certain articles, and thereafter refused to return. Despite this, she remained in contact with the petitioner through calls and messages without making any allegations. Subsequently, Respondent No. 2 allegedly made unlawful demands, including transfer of the petitioner's house in her name and living separately from his family, and upon refusal, threatened to implicate the petitioner in false criminal cases. Thereafter, a complaint dated 22.12.2025 was lodged against the petitioner, and a charge-sheet was filed on 29.12.2025 with alleged mala fide intention.
5. The petitioner also submitted a complaint dated 31.12.2025 before the Inspector General of Police, Durg, alleging



harassment, unlawful demands, and removal of valuables by Respondent No. 2. It is further alleged that the relatives/associates of Respondent No. 2 demanded a sum of ₹1,00,00,000/- for settlement, failing which they threatened to implicate the petitioner and his family in false cases. The present case was registered as RCC/MJC Criminal Case No. 158/2026, and by order dated 08.01.2026, the learned Judicial Magistrate First Class, Durg, took cognizance against the petitioner for offences under Sections 318(4) and 85 of the Bharatiya Nyaya Sanhita. Hence, this petition.

6. Learned counsel for the petitioner submits that the impugned order taking cognizance is arbitrary, illegal, and contrary to the facts of the case. It is contended that the FIR has been lodged with mala fide intention to pressurize the petitioner to fulfill illegal demands after Respondent No. 2 voluntarily left the matrimonial home within a few days of marriage. It is further submitted that even if the allegations in the FIR and charge-sheet are taken at their face value, they do not disclose the essential ingredients of the alleged offences, and continuation of proceedings would amount to abuse of process of law.
7. Learned counsel submits that the petitioner had fully disclosed his previous marriage and divorce decree dated 19.12.2023 to the complainant and her family prior to engagement, and therefore the allegation of concealment is false and baseless. It is argued



that the essential ingredient of cheating, i.e., dishonest intention at the inception, is completely absent, as the marriage was solemnized after due consent, inquiry, and verification by both families. It is submitted that the complainant resided peacefully after marriage and did not raise any grievance, and later voluntarily left the matrimonial home, which indicates that the allegations are an afterthought arising out of matrimonial dispute. It is further submitted that no dowry demand or unlawful gain has been established, and the investigation has failed to collect any independent evidence; the charge-sheet is based solely on interested statements. Learned counsel submits that the dispute is purely matrimonial in nature and has been given a criminal color to harass the petitioner. It is contended that continuation of the proceedings would cause serious prejudice and irreparable harm to the petitioner and amount to misuse of the criminal justice system. In view of the above, it is prayed that this Court may be pleased to quash the FIR and all consequential proceedings.

8. On the other hand, learned Government Advocate appearing for respondent No.1/State opposes the submissions of learned counsel for the petitioner and submits that the impugned order of cognizance is legal, proper, and passed after due application of mind. It is contended that the FIR and charge-sheet prima facie disclose the commission of cognizable offences, and therefore, no interference is warranted at this stage. He submits that the allegations regarding concealment of material facts, including



previous marriage and other particulars, involve disputed questions of fact which can only be adjudicated during trial. It is further submitted that the defence taken by the petitioner, including prior disclosure and consent, cannot be examined in proceedings under inherent jurisdiction and requires appreciation of evidence. The contention of mala fide implication is denied, and it is submitted that the complaint has been lodged on the basis of genuine grievances, supported by statements recorded during investigation. He also submits that the investigation has been duly conducted and the charge-sheet has been filed on the basis of material collected, which cannot be scrutinized in detail at this stage. It is argued that the plea that the dispute is purely matrimonial in nature is not tenable, as the allegations disclose elements of criminality attracting penal provisions. It is further submitted that this Court vide order dated 11.03.2026 in CRMP No.704/2026 has already dismissed the petition filed by Vindvasini Prasad Shukla, who was mediator in marriage of respondent No.2 with the present petitioner. As such, the petition deserves to be dismissed.

- 9.** We have heard learned counsel for the parties and perused the documents appended with petition.
- 10.** From perusal of the FIR, It transpires that the complainant / respondent No.2 alleged that Vindvasini Prasad Shukla who was the mediator in her marriage with the present petitioner has not



disclosed the correct fact of his earlier marriage and kept her under the assurance that the present petitioner is an employee of reputed business concern at Nagpur, Maharashtra, and was earning Rs.90,000/- per month. After her marriage, when she came into knowledge about earlier marriage of the present petitioner, she felt cheated by the accused persons and lodged the report against the accused persons, including the present petitioner.

11. In **Neharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others, (2020) 10 SCC 180**, the Supreme Court has observed that the power of quashing should be exercised sparingly with circumspection in the rarest of rare cases. While examining an F.I.R./complaint, quashing of which is sought, the Court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the F.I.R./complaint. The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the Court to be cautious. The Apex Court has emphasized that though the Court has the power to quash the F.I.R. in suitable cases, the Court, when it exercises power under Section 482 Cr.P.C., only has to consider whether or not the allegations of F.I.R. disclose the commission of a cognizable offence and is not required to consider the case on merit.
12. In **State Represented by the Inspector of Police v. M.Maridoss & Anr. (Criminal Appeal No.67/2023)**, decided on 9.1.2023, the Supreme Court has observed that it is a settled position of law



that while exercising powers under Section 482, CrPC, the High Court is not required to conduct the mini trial. What is required to be considered at that stage is the nature of accusations and allegations in the FIR and whether the averments/allegations in the FIR *prima facie* discloses the commission of the cognizable offence or not.

- 13.** The material collected during investigation *prima facie* appears that allegations have been made regarding concealment of material facts relating to the petitioner's previous marriage and misrepresentation regarding his employment and income. Such allegations, taken at their face value, disclose the commission of cognizable offences.
- 14.** The defence raised by the petitioner that there was prior disclosure of his previous marriage and that the complainant had consented to the same involves disputed questions of fact, which cannot be adjudicated in proceedings under Section 482 CrPC (Section 528 BNSS). These issues require appreciation of evidence and are to be decided by the learned trial Court.
- 15.** The contention of the petitioner that the dispute is purely matrimonial in nature also cannot be accepted at this stage, as the allegations *prima facie* indicate elements of deception and inducement, thereby attracting criminal liability.
- 16.** The plea of *mala fide* implication has not been substantiated by any cogent material so as to warrant quashing of the proceedings.



The investigation has been completed and the charge-sheet has been filed on the basis of material collected during investigation, which cannot be meticulously examined at this stage.

17. It is also relevant to note that this Court, vide order dated 11.03.2026 passed in CRMP No. 704/2026, has already dismissed a similar petition filed by co-accused Vindvasini Prasad Shukla, who acted as a mediator in the marriage between the complainant and the present petitioner. The present case stands on similar footing.
18. Considering the material collected during investigation, which prima facie discloses the commission of offences, and also considering the fact that a similar petition in CRMP No. 704/2026 filed by co-accused Vindvasini Prasad Shukla has already been dismissed by this Court, we do not find any good ground to entertain this petition.
19. Accordingly, the petition being devoid of merit is hereby **dismissed**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice