



2026:CGHC:5874-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 333 of 2026**

Yakub Memon S/o A.S. Memon Aged About 52 Years R/o Dolphin Plaza, House No. 8, Daldal Sevani Road, Mowa, Raipur District - Raipur Chhattisgarh

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

1. State of Chhattisgarh Through Station Head Officer, Police Station - Tikrapara District Raipur Chhattisgarh
2. Xyz W/o Xyz R/o Xyz (Details Of The Complainant Has Been Provided In The Attested Closed Envelop) (Complainant)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Manoj Paranjpe, Senior Advocate, assisted by Mr. Anshul Tiwari, Advocate.
For Respondent/State	:	Mr. Saumya Rai, Deputy Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****03.02.2026**

1. Heard Mr. Manoj Paranjpe, learned Senior Advocate, assisted by Mr. Anshul Tiwari, learned counsel for the petitioner. Also heard Mr.



Saumya Rai, learned Deputy Government Advocate, appearing for the State/respondent No. 1.

2. The present petition has been filed by the petitioner with the following prayers:

"I. That the Hon'ble Court may kindly be pleased to allow the instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, filed by the petitioner.

II. That the Hon'ble Court may kindly be pleased to quash the FIR bearing Crime No. 724 of 2025 registered at Police Station Tikrapara, District Raipur, Chhattisgarh, dated 12.09.2025 filed under Section 64(2)(m), 351(3) of Bharatiya Nyaya Sanhita, 2023.

III. That the Hon'ble Court may kindly be pleased to quash entire charge-sheet bearing challan/charge-sheet No. 656/2025 under Section 64(2)(M), 351(3) of Bharatiya Nyaya Sanhita, 2023 on dated 09.11.2025.

IV. That the Hon'ble Court may kindly be pleased to quash the impugned order dated 11.11.2025 whereby the learned Chief Judicial Magistrate, Raipur, District Raipur, Chhattisgarh has taken cognizance of the impugned charge-sheet and has registered the impugned criminal proceeding as Criminal Case No. 42712 of 2025 against the petitioner.



V. That the Hon'ble Court may kindly be pleased to quash the Session Trial bearing Session Trial No. 428 of 2025, pending before Session Judge, Raipur, District Raipur, Chhattisgarh which was initiated after the matter being committal against the petitioner.

VI. And to kindly grant any other relief to the petitioners as this Hon'ble Court may deem fit and proper in facts and circumstances of the case, may also granted to the petitioner."

3. Learned Senior Advocate appearing for the petitioner submits that as per the prosecution story and contents of the FIR, it is alleged that online information was received at Police Station Tikrapara from Mahila Thana, District Sarguja (C.G.), bearing FIR No. 0/2025, indicating that an offence had been committed within the jurisdiction of Police Station Tikrapara. It is alleged that the petitioner, who is posted as a Deputy Superintendent of Police (DSP) in District Raipur, took undue advantage of the complainant and, by threatening her, forcibly established physical relations with her since February, 2025 at Kamal Vihar, Raipur.

4. Learned Senior Advocate further submits that the husband of the complainant was working as a contractual employee in the office of NHM and on 14.02.2025 suffered a brain haemorrhage/paralytic attack and was admitted to MMI Hospital. During the course of treatment, the complainant allegedly contacted the petitioner, who was the landlord of the premises where the complainant and her husband were residing as



tenants, regarding her husband's well-being. It is alleged that during this period, the petitioner misused his official position and committed forcible sexual intercourse with the complainant and continued the same by threatening her. It is further alleged that the complainant informed the petitioner's wife about the alleged acts, but no action was taken. Thereafter, the petitioner allegedly called the complainant to Balrampur on 05.09.2025 by booking her ticket and, upon her refusal, threatened her by claiming possession of photographs and videos and asserting that she could not take any action against him. It is further alleged that on 11.09.2025, at Balrampur, the petitioner again committed forcible sexual intercourse with the complainant. On the basis of these allegations, the present FIR was registered under Sections 64(2)(M) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

5. Learned Senior Advocate submits that the petitioner was granted anticipatory bail by the Court of Additional Sessions Judge (FTC), Raipur, Chhattisgarh, vide order dated 23.09.2025. After completion of investigation, a charge-sheet was filed on 09.11.2025 under Sections 64(2)(M) and 351(3) of the BNS, and cognizance was taken on 11.11.2025 by the learned Judicial Magistrate First Class, Raipur, in Criminal Case No. 42712/2025. The matter was thereafter committed to the Court of Sessions and registered as Sessions Trial No. 428/2025, which is presently pending before the Sessions Judge, Raipur.

6. It is contended by learned Senior Advocate that the allegations contained in the FIR and charge-sheet are false, baseless, and



unsupported by credible evidence. It is argued that even if the allegations are accepted in their entirety, no offence under Sections 64(2)(M) or 351(3) of the BNS is made out. It is further contended that the statements of the complainant recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') materially differ from her version in the FIR, thereby rendering the prosecution case doubtful.

7. Learned Senior Advocate further submits that as per the statement of Gulab Chaudhary, the caretaker residing with the complainant's husband, the complainant voluntarily went to another room with the petitioner and the petitioner was seen visiting the flat only on limited occasions. It is also argued that in her statement under Section 180 of the BNSS dated 12.09.2025, the complainant stated that the petitioner established sexual relations with her by showing closeness, which indicates consensual relations. It is contended that the delay in lodging the FIR has been falsely attributed to alleged threats, whereas the material on record demonstrates a prolonged consensual relationship. It is further contended that the complainant voluntarily visited the petitioner at Balrampur and frequently communicated with him. It is also submitted that the complainant had been residing as a tenant in the petitioner's premises since 2024 and their communications reflect voluntary intimacy.

8. Learned Senior Advocate further submits that the complainant and the petitioner travelled together to various places and hotel records



reflect their joint stay, suggesting a consensual relationship. It is also contended that the complainant's version regarding the alleged place of occurrence is contradicted by the site supervisor. Further, it is argued that service records of the petitioner indicate that he was posted at District Balrampur on the alleged dates of incident. It is also contended that financial records indicate that the complainant was receiving monetary benefits from the petitioner.

9. Learned Senior Advocate further submits that call detail records demonstrate frequent communication initiated by the complainant, which negates allegations of threat or coercion. It is further contended that the dispute arose when the complainant demanded transfer of the petitioner's flat into her name and, upon refusal, lodged the present FIR as an act of vengeance. It is also argued that the FIR was registered mechanically without conducting a preliminary inquiry. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Lalita Kumari v. Government of Uttar Pradesh***, reported in **(2014) 2 SCC 1**. It is thus submitted that the criminal proceedings amount to abuse of process of law and are liable to be quashed.

10. *Per contra*, learned State counsel opposes the petition and submits that the FIR discloses cognizable offences and the investigation has been conducted strictly in accordance with law. It is submitted that during investigation, statements of the complainant and other witnesses were recorded, documentary evidence was collected, and after thorough investigation, sufficient material was found establishing a



prima facie case against the petitioner. It is further submitted that the inconsistencies or contradictions pointed out by the petitioner are matters of appreciation of evidence, which can only be examined during trial and not in proceedings seeking quashing of FIR or charge-sheet. Learned State counsel submits that the trial Court, after perusal of the material collected during investigation, has already taken cognizance and framed charges, and the trial is at an advanced stage. It is argued that the allegations in the FIR disclose serious offences and involve disputed questions of fact, which cannot be adjudicated in the present petition.

11. We have heard learned counsel for the parties and perused the material available on record.

12. The legal position relating to quashing of criminal proceedings is well settled that the power to quash an FIR or charge-sheet should be exercised sparingly and only in exceptional circumstances. Courts should ordinarily refrain from interfering with investigation or trial in respect of cognizable offences. However, where the allegations made in the FIR or complaint, even if taken at their face value, do not disclose any offence, the proceedings may be quashed in exercise of powers under Article 226 of the Constitution of India or inherent jurisdiction under Section 528 of the BNSS.

13. In the present case, it is not in dispute that after completion of investigation, the charge-sheet has been filed against the petitioner and the learned trial Court has taken cognizance upon finding prima facie



material disclosing commission of the alleged offences, and the trial is presently pending.

14. From perusal of the FIR and charge-sheet, it transpires that an online zero-number FIR dated 14.09.2025 was received at Police Station Tikrapara from Mahila Thana, Ambikapur, pursuant to which Crime No. 00/2025 was registered. The complainant alleged that the petitioner, who was her landlord and posted as DSP, took advantage of her vulnerable circumstances arising out of her husband's serious illness and repeatedly established physical relations with her by threatening and intimidating her.

15. The complainant has further alleged that the petitioner called her to Balrampur, threatened to make her photographs and videos viral, and continued to sexually exploit and mentally harass her by monitoring her movements and threatening her with consequences. On these allegations, she sought strict legal action against the petitioner.

16. The principal contention raised by learned Senior Advocate for the petitioner is that the relationship between the petitioner and the complainant was consensual and that the FIR has been lodged with mala fide intention after personal disputes arose between the parties. However, these submissions primarily relate to appreciation of evidence, which cannot be undertaken in proceedings seeking quashing of FIR or criminal prosecution.

17. The scope of interference by the High Court while exercising powers under Article 226 of the Constitution of India or inherent



jurisdiction is well settled by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***, reported in **1992 Supp (1) SCC 335**, wherein illustrative categories were laid down where quashing of criminal proceedings may be justified. The Hon'ble Supreme Court has held that criminal proceedings may be quashed only when the allegations in the FIR do not disclose commission of any offence, or where the allegations are so absurd and inherently improbable that no prudent person can reach a conclusion that an offence has been committed, or where the proceedings are manifestly attended with mala fide intention. At the same time, it has been categorically held that such powers must be exercised sparingly and with great caution.

18. The legal position has been further reiterated and elaborately explained by the Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra***, reported in **(2021) 19 SCC 401**, wherein it has been held that Courts should not interfere with investigation or criminal proceedings at the initial stage unless the allegations do not disclose any cognizable offence. The Hon'ble Supreme Court has further observed that while exercising jurisdiction for quashing, the Court cannot conduct a mini trial or appreciate the defence of the accused, and that the investigation must be permitted to proceed unhindered if the allegations *prima facie* disclose commission of an offence.

19. Applying the aforesaid settled principles to the facts of the present case, this Court finds that the allegations made by the complainant are



specific, detailed, and disclose commission of cognizable offences. The complainant has alleged that the petitioner, who was holding a responsible public office and was also her landlord, exploited her vulnerable circumstances when her husband was suffering from a serious medical condition and thereafter continued to maintain physical relations with her by allegedly extending threats and misusing his official position. The statements recorded during investigation and the material collected by the investigating agency, *prima facie*, support the allegations made in the FIR. The same cannot be said to be inherently improbable or absurd at this stage.

20. The contention of the petitioner that the relationship was consensual is essentially a matter of defence and requires adjudication upon appreciation of oral and documentary evidence. The Hon'ble Supreme Court in ***Neeharika Infrastructure*** (supra) has specifically cautioned that the High Court, while exercising jurisdiction for quashing, should not consider the defence of the accused or evaluate the sufficiency or reliability of evidence. Whether the alleged consent was voluntary or obtained under coercion or undue influence is a question of fact that can only be determined during trial.

21. Similarly, the alleged contradictions in the statements of the complainant, delay in lodging the FIR, financial transactions between the parties, call detail records, and travel history relied upon by the petitioner are all matters requiring evidentiary evaluation. The Hon'ble Supreme Court in ***Bhajan Lal*** (supra) has held that where factual



controversy exists and the allegations disclose commission of offence, the proceedings should not be quashed merely on the basis of defence material produced by the accused.

22. The submission regarding absence of preliminary inquiry is also untenable. As held in *Lalita Kumari* (supra), preliminary inquiry is not mandatory in cases where the information received discloses commission of cognizable offence. In the present case, the allegations made in the complaint clearly disclose cognizable offences, and therefore, registration of FIR without preliminary inquiry cannot be faulted.

23. It is also relevant to note that after conducting investigation, the investigating agency has filed a charge-sheet against the petitioner. The learned trial Court, upon independent consideration of the material placed before it, has taken cognizance and initiated trial proceedings. The Hon'ble Supreme Court in *Neelam Infrastructure* (supra) has emphasized that once the investigating agency finds *prima facie* material and the trial Court has taken cognizance, interference by the High Court should be made only in rare and exceptional circumstances.

24. This Court is mindful of the settled principle that criminal law should not be permitted to be used as an instrument of harassment. However, the converse is equally true that serious allegations involving abuse of authority and exploitation require adjudication through a full-fledged trial. At this stage, this Court cannot substitute its own assessment for that of the trial Court nor can it record findings on



disputed questions of fact.

25. Upon overall consideration of the FIR, statements recorded during investigation, and material forming part of the charge-sheet, this Court is satisfied that the case does not fall within any of the categories laid down in ***Bhajan Lal*** (supra) warranting quashing of criminal proceedings. The allegations, taken at their face value, *prima facie* disclose commission of offences and therefore require adjudication on merits during trial.

26. In view of the aforesaid discussion and settled legal principles, this Court finds no ground to exercise its extraordinary jurisdiction Section 528 of the B NSS for quashing of FIR, charge-sheet, cognizance order, or consequential proceedings.

27. Accordingly, the present petition, being devoid of merit, is hereby **dismissed**. It is clarified that any observations made herein are confined to adjudication of the present petition and shall not influence the merits of the case pending before the trial Court.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice