



2026:CGHC:6248-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 323 of 2026**

Anshul Jotwani S/o Shri Puran Lal Jotwani Aged About 28 Years R/o H. No. 136, Near Sindhi Dharam Shala, Ward No. 10, Tilda, District - Raipur, Chhattisgarh

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

1 - State Of Chhattisgarh Through Station House Officer, Police Station Hathbandh District - Baloda Bazaar - Bhatapara, Chhattisgarh
2 - Mr. Laxman Kashyap S/o Shri Kailash Ram Kashyap, Assistant Food Officer In The Bhatapara And Simga Sub-Divisions Of District - Baloda Bazar - Bhatapara, Chhattisgarh (Complainant).

... Respondent(s)

For Petitioner(s) : Mr. Rajkamal Singh (through Video Conferencing) and Mr. Suryapratap Yudhveer Singh, Advocates

For Respondent(s) : Mr. Soumya Rai, Deputy Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****04/02/2026**

1. Heard Mr. Rajkamal Singh (through video conferencing) and Mr.



Suryapratab Yudhveer Singh, learned counsel for the petitioner. Also heard Mr. Somya Rai, learned Deputy Government Advocate for the respondent No.1 / State.

2. The petitioner, by this petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, the BNSS) has filed this petition seeking quashing of the First Information Report registered in Crime No. 17/2026 dated 09.01.2026 at the Police Station Hathbandh, District: Baloda Bazaar-Bhatapara, for the alleged offence punishable under section 3/7 of the Essential Commodities Act 1955 (*for short, the EC Act*) and under section 316(5), 318(4), 61(2) of Bhartiya Nyaya Sanhita 2023 (*for short, the BNS*).
3. Brief facts of the case are that the petitioner-Anshul Jotwani, is the sole proprietor of M/s Kavita Rice Industries, a duly registered rice mill situated at Hathbandh, District Baloda Bazaar-Bhatapara. The petitioner is a registered custom miller operating under the government policy for Custom Milling of Paddy for Kharif Marketing Season (KMS) 2024-25 and is governed by the provisions of the Chhattisgarh Rice Custom Milling Order, 2016. Pursuant to the Custom Milling Agreements executed with the Chhattisgarh State Markfed, the petitioner lifted paddy supplied by the State agencies and furnished requisite Bank Guarantees to secure the prescribed Out Turn Ratio (*for short, the OTR*) of custom milled rice. On 29.12.2025, a physical verification of the petitioner's rice mill was conducted by the concerned officials, wherein an alleged shortage of 2372.64 quintals of paddy, valued at Rs. 56,20,784.16, was recorded. Based on the said physical verification report, respondent No.2 lodged a complaint alleging fraudulent misappropriation of government paddy by the petitioner, leading to registration of FIR No.17/2026 dated



09.01.2026 at Police Station Hathbandh, District Baloda Bazaar-Bhatapara, for offences punishable under Sections 3/7 of the EC Act and and Sections 316(5), 318(4) and 61(2) of the BNS.

4. Mr. Rajkamal Singh, learned counsel for the petitioner submits that the petitioner's case is that the alleged shortage was wrongly shown due to non-consideration of stock actually available in the mill. It is stated that on 28.12.2025, three lots of custom milled rice equivalent to 1298 quintals of paddy were dispatched to the Food Corporation of India depot but were returned on account of packaging errors, and the same were lying within the mill premises at the time of inspection. It is further asserted that the inspecting team failed to account for the rice lying in the mill hoppers and top containers, amounting to approximately 720 quintals of rice, equivalent to 1073 quintals of paddy. Subsequently, between 05.01.2026 and 09.01.2026, the petitioner deposited 810 quintals of custom milled rice at the designated CMR Centre, Bhatapara, through official gate passes.
5. It is next submitted by Mr. Singh that prior to registration of the FIR, the Collector, Baloda Bazaar-Bhatapara, issued a show-cause notice dated 31.12.2025 to the petitioner alleging discrepancies in stock based on the physical verification report. The petitioner submitted a detailed reply on 05.01.2026, explaining that the discrepancy was accounting-related, reconcilable, and devoid of any element of misappropriation. The said proceedings before the Collector remain pending. During the pendency of the said inquiry, the petitioner's rice mill was sealed on 15.01.2026 by the officials of CG State Markfed without prior notice. According to Mr. Singh, the FIR has been registered without considering the pending administrative inquiry, the terms of the Custom Milling Agreements, the



Bank Guarantees already securing the State's interest, and the alleged technical discrepancies in the online module maintained by CG State Markfed. Aggrieved by the registration of the FIR and alleging abuse of the criminal process in a matter arising out of contractual and accounting issues, the petitioner has approached this Court seeking quashing of FIR No.17/2026.

6. Mr. Singh next contends that the impugned FIR is vitiated in law as it has been lodged on incorrect, misconceived and unsubstantiated accusations arising purely out of civil and contractual obligations under the Custom Milling Agreements, and the resort to criminal prosecution in such circumstances amounts to a flagrant misuse of power and an attempt at arm-twisting. It is contended that the FIR has been registered during the pendency of a show-cause notice and an ongoing inquiry before the Collector, the outcome whereof is yet to be determined, rendering the action premature, arbitrary and oppressive in nature. Mr. Singh next submits that the allegations contained in the impugned FIR are wholly false, vague, improbable and illogical, unsupported by any reliable material or document, and even if taken at face value, do not disclose the essential ingredients of any cognizable offence. It is further argued that the impugned FIR represents a clear abuse of the criminal process, wherein the respondents have misused their dominant position and the statutory mechanism under the Chhattisgarh Rice Custom Milling Order, 2016 to harass the petitioner, despite the admitted fact that the interest of the State stands fully secured by the Bank Guarantees furnished by the petitioner to ensure delivery of custom milled rice in accordance with the fixed OTR stipulated in the Custom Milling Agreements. None of the ingredients of Section 316(5), 138(4), 61(2) of the BNS or Sections 3/7 of the EC Act are made out in this case and as



such, this petition deserves to be allowed.

7. Learned State counsel appearing for the State opposes the prayer for quashing of the FIR and submits that a bare perusal of FIR discloses commission of cognizable offences and makes out a *prima facie* case against the petitioner, inasmuch as the FIR specifically narrates that the complainant, an Assistant Food Officer duly authorized under the provisions of the Chhattisgarh Custom Milling Rice Procurement Order, 2016, conducted a physical inspection of M/s Kavita Rice Industries, Hathbandh, on 29.12.2025 along with other departmental officials pursuant to directions of the District Food Officer, wherein upon physical verification a shortage of 2372.64 quintals of government paddy valued at Rs. 56,20,784.16 was found in the mill premises. It is submitted that the FIR categorically alleges that the petitioner, Anshul Jotwani, being the operator and director of the rice mill, accepted the shortage on the spot and was found to have fraudulently misappropriated the government paddy with intent of personal gain, thereby causing substantial financial loss to the State exchequer.
8. Learned State Counsel further submits that the FIR details violations of specific provisions of the Chhattisgarh Custom Milling Rice Procurement Order, 2016, namely Clauses 4(3), 6(1)(3) and 12, which are punishable under Sections 3/7 of the Essential Commodities Act, 1955, and also discloses offences under Sections 316(5), 318(4) and 61(2) of the BNS. It is argued that the registration of the FIR is not based on mere allegations but is supported by contemporaneous official records including the panchnama, physical verification report, seizure memo, statement of the petitioner, show-cause notice, investigation report, online stock and delivery reports, and the order of the Collector (Food



Branch) dated 07.01.2026 directing registration of the case. Learned State Counsel thus submits that the FIR is detailed, specific and document-backed, and at this stage the Court is not required to appreciate disputed questions of fact or examine the defence of the petitioner, as the matter squarely falls within the domain of investigation, and therefore no case for interference or quashing of the FIR is made out.

9. We have heard learned counsel for the parties and perused the documents appended with petition.
10. Considering the submissions advanced by learned counsel for the parties and upon a careful perusal of the record, this Court finds that the FIR in question is not vague or bald but contains specific, detailed and categorical allegations supported by contemporaneous official records, including the physical verification report, panchnama, seizure memo and statements recorded during inspection, which *prima facie* disclose commission of cognizable offences under Sections 3/7 of the EC Act and other relevant provisions of the BNS. The FIR clearly attributes a quantified shortage of government paddy to the petitioner during a duly authorized inspection conducted under the Chhattisgarh Custom Milling Rice Procurement Order, 2016, and alleges fraudulent misappropriation resulting in financial loss to the State. At this stage, the defence sought to be raised by the petitioner regarding reconciliation of stock, accounting discrepancies or contractual obligations involves disputed questions of fact, which cannot be adjudicated in proceedings for quashing of the FIR.
11. It is well settled that while exercising inherent jurisdiction, this Court cannot embark upon an appreciation of evidence or test the veracity of the allegations, and where the FIR discloses a *prima facie* offence



warranting investigation, interference is not called for.

12. In view of the above, this Court is of the considered opinion that the present petition is devoid of merit and does not warrant exercise of inherent powers for quashing the FIR in question. Accordingly, the petition is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit