



2026:CGHC:4029-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 250 of 2026**

Bhojram Sahu S/o Late Manglu Ram Sahu Aged About 55 Years R/o Village- Tokro, Post Manikchouri, Police Station- Abhanpur, District- Raipur (C.G.)

--- Petitioner(s)**versus**

1. State of Chhattisgarh Through, Secretary, General Administrative Department, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)
2. State of Chhattisgarh Through, Secretary, Revenue and Disaster Management, Mahanadi Bhawan, Naya Raipur, District- Raipur (C.G.)
3. Collector Raipur, District- Raipur (C.G.)
4. Sub-Divisional Officer (Revenue) Abhanpur, Tehsil- Abhanpur, District- Raipur (C.G.)
5. Tehsildar Abhanpur District- Raipur (C.G.)
6. Superintendent of Police C.G. State Economic Offence Wings, Branch- Raipur, District- Raipur (C.G.)
7. C.G. State Economic Offence Wing Raipur, Through- Station House Officer, District- Raipur (C.G.)
8. Sanjay Dinkar Devsthale S/o Late Shri D.M. Devsthale Aged About 60 Years Occupation - Service (Government Servant) Posted As Deputy Superintendent Of Police At Chhattisgarh State Economic Offence Wing Raipur, District- Raipur (C.G.)



9. National Highways Authority of India Ltd. Through- Project Director, Dhamtari Unit, Block S-5, Shivraj Greens, Sihava Road, Dhamtari, District- Dhamtari (C.G.)

--- Respondent(s)

CRMP No. 258 of 2026

1. Khemraj Koshle S/o Late Shri Itwari Koshle Aged About 47 Years R/o Village Nayakbandha, Abhanpur, District - Raipur Chhattisgarh
2. Punuram Deshlahre S/o Late Shri Govardhan Deshlahre Aged About 48 Years R/o Village Nayakbandha, Post / Police Station - Abhanpur, District - Raipur Chhattisgarh

---Petitioner(s)

versus

1. State of Chhattisgarh Through Secretary, General Administrative Department, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh
2. State of Chhattisgarh Through, Secretary, Revenue and Disaster Management, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh
3. Collector Raipur District Raipur Chhattisgarh
4. Sub Divisional Officer (Revenue) Abhanpur, Tehsil - Abhanpur, District - Raipur Chhattisgarh
5. Tehsildar Abhanpur, District Raipur Chhattisgarh
6. Superintendent Of Police C.G. State Economic Offence Wings, Branch - Raipur, District Raipur Chhattisgarh
7. C.G. State Economic Offence Wing Raipur, Through Station House Officer, District Raigarh Chhattisgarh
8. Sanjay Dinkar Devsthale S/o Late Shri D.M. Devsthale Aged About 60 Years Occupation - Service (Government Servant) Posted As Deputy Superintendent Of Police At Chhattisgarh State Economic Offence Wing Raipur, District - Raipur Chhattisgarh



9. National Highways Authority Of India Ltd. Through Project
Director, Dhamtari Unit, Block S-5, Shivraj Greens, Sihava Road,
Dhamtari, District - Dhamtari Chhattisgarh

---Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	:	Mr. Manoj Paranjpe, Senior Advocate, assisted by Mr. Surfaraj Khan, Advocate.
For Respondent/State	:	Mr. Praveen Das, Additional Advocate General.
For Respondent No. 9	:	Mr. Dhiraj Kumar Wankhede, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

23.01.2026

1. Heard Mr. Manoj Paranjpe, learned Senior Advocate, assisted by Mr. Surfaraj Khan, learned counsel for the petitioners. Also heard Mr. Praveen Das, learned Additional Advocate General, appearing for the State and Mr. Dhiraj Kumar Wankhede, learned counsel, appearing for respondent No. 9.

2. The present petitions have been filed by the petitioners with the following prayer:

"It is, therefore, prayed that the petition may kindly be allowed and the order taking cognizance dated 13.10.2025, passed by the Court of learned Special Judge (P.C. Act)/1st A.S.J. Raipur in Special Criminal



Case No. 13 of 2025 (State vs. Gopal Ram Verma & Others), under Section 7(C) and Section 12 of the Prevention of Corruption Act, 1988 and Sections 120-B, 409, 420, 467, 468 & 471 of the Indian Penal Code, together with Final Report No. 46 of 2025, under Section 7(C) and Section 12 of the Prevention of Corruption Act, 1988 and Sections 120-B, 409, 420, 467, 468 & 471 of the Indian Penal Code (Annexure P/1), registered and presented by filing the charge-sheet by C.G. State Economic Offence Wings Raipur, may kindly be quashed (only in respect to the petitioner), in the interest of justice.”

3. Learned Senior Advocate appearing for the petitioners submits that the prosecution case, as set out in FIR No. 30/2025 dated 23.04.2025 registered by the State Economic Offences Wing, Raipur, pertains to alleged irregularities in the determination and disbursement of compensation in land acquisition proceedings undertaken for the National Highways (Bharatmala Project). It is contended that the names of the petitioners do not figure in the FIR and that no specific overt act has been attributed to them therein. It is further submitted that the petitioners were subsequently implicated during the course of investigation without any legally admissible material. On these grounds, the learned Senior Advocate submits that the present petitions are liable to be allowed.



4. It is argued by the learned Senior Advocate that the allegations against the petitioners rest solely on vague and omnibus statements of certain witnesses, alleging receipt of an amount of approximately Rs. 5 to 7 lakhs as commission for acting as agents in the land acquisition process. According to learned Senior Advocate, the charge-sheet merely alleges that the petitioners accompanied land losers during mutation proceedings and at the stage of disbursement of compensation. Such acts, even if taken at their face value, do not constitute any offence either under the Prevention of Corruption Act, 1988 (for short, 'Act of 1988') or under the provisions of the Indian Penal Code (IPC). Reliance is placed on the decisions of this Court in ***Rajkumar Tamboli v. State of Chhattisgarh & Another*** (Cr.M.P. No. **1461/2023** decided on 29.04.2024), as well as the judgments of the Hon'ble Supreme Court in ***Dhariwal Tobacco Products Ltd. v. State of Maharashtra***, reported in **(2009) 2 SCC 370**, and this Court in ***M/s Hindustan Lever Ltd. v. State of Chhattisgarh***, reported in **2009 (4) CGLJ 414**, to submit that continuation of criminal proceedings in such circumstances would amount to abuse of the process of Court.

5. Learned Senior Advocate further submits that the entire controversy pertains to proceedings governed exclusively by the National Highways Act, 1956 (for short, 'Act of 1956'). The compensation in question was determined by the competent authority by passing awards under Section 3G of the Act of 1956. These awards, being quasi-judicial in nature, carry a statutory presumption of legality unless set aside in accordance with the procedure prescribed under the



Act. It is contended that Section 3G(5) of the Act of 1956 provides a complete statutory mechanism for redressal by way of arbitration in the event any party is aggrieved by the quantum of compensation. Admittedly, no challenge has been raised before the arbitrator and no competent forum has set aside or modified the awards. In the absence of any such challenge, the awards have attained finality and, therefore, cannot be indirectly questioned through criminal prosecution.

6. Learned Senior Advocate further contended that the FIR itself is founded upon a post-award administrative enquiry conducted by a committee constituted by the Collector, Raipur, which is wholly impermissible in law. According to him, the Collector has no jurisdiction to sit in appeal over a quasi-judicial award passed under the Act of 1956, and such an enquiry amounts to an overreach of jurisdiction. He further stated that criminal law has been set in motion to bypass the statutory adjudicatory mechanism provided under the Act of 1956. The initiation of prosecution under Sections 7(c) and 12 of the Act of 1988 and Sections 120-B, 409, 420, 467, 468 and 471 of the IPC is stated to be a colourable exercise of power, aimed at substituting statutory remedies with criminal proceedings, which is impermissible in law.

7. Learned Senior Advocate would further submit that no prima facie offence is made out against the petitioners. Even if the allegations contained in the charge-sheet are accepted in their entirety, the essential ingredients of the offences alleged are not satisfied. There is no allegation of demand or acceptance of illegal gratification, as



mandated under the Act of 1988, nor are there any allegations supported by documentary evidence constituting offences of forgery, cheating, criminal breach of trust or conspiracy. Continuation of the criminal proceedings, therefore, would amount to an abuse of the process of Court.

8. *Per contra*, learned State counsel submits that the investigation has been conducted strictly in accordance with law. Upon completion of investigation, a detailed charge-sheet has been filed disclosing specific roles attributed to the accused persons, including the petitioners. Cognizance has already been taken by the learned trial Court and the case is presently at the stage of trial.

9. It is submitted that the allegations are not confined merely to the quantum of compensation, but relate to a broader conspiracy involving public servants and private individuals, resulting in inflated compensation and corresponding wrongful gain. Whether the petitioners acted as facilitators, agents or beneficiaries is a matter of evidence and cannot be adjudicated in proceedings invoking inherent jurisdiction.

10. Learned counsel for the State places reliance upon the judgment of this Court in **WA No. 9 of 2021 (Poonam Sethi v. Union of India & Others)**, wherein allegations of large-scale irregularities in land acquisition for National Highway projects were examined. It is submitted that the Division Bench has clearly held that statutory finality of awards does not bar criminal investigation where the process leading



to such awards is alleged to be tainted by fraud, collusion or abuse of official position.

11. Learned counsel appearing for respondent No. 9 supplements the submissions of the State and submits that the Competent Authority for Land Acquisition passed two awards dated 18.03.2021 and 30.06.2022. Under the award dated 30.06.2022, compensation amounting to Rs. 78 crores was assessed, which amount was not deposited by NHAI. Under the award dated 18.03.2021, compensation amounting to Rs. 246 crores in respect of six villages was assessed and deposited by NHAI and thereafter disbursed. He further submitted that subsequent to disbursement, NHAI received a private complaint alleging corruption and malpractice in land acquisition proceedings. Upon such complaint, NHAI requested the Collector, Raipur, to conduct an enquiry. The enquiry report submitted in the year 2025 disclosed prima facie irregularities. Pursuant thereto, NHAI requested initiation of recovery proceedings and, after obtaining legal opinion, challenged the award dated 18.03.2021 before this Court, which is pending consideration. It is also submitted that some matters are pending before the Arbitrator, Raipur, and in certain cases, arbitral orders are under challenge before the learned District Judge, Raipur.

12. We have heard learned counsel for the parties at length and perused the material placed on record.

13. The scope and ambit of the inherent jurisdiction of this Court under Section 528 of the BNSS (corresponding to Section 482 CrPC) is



well settled. The power is extraordinary in nature and is to be exercised sparingly, with circumspection and in rare cases, where the Court is satisfied that continuation of the criminal proceedings would amount to abuse of the process of law or result in miscarriage of justice.

14. The parameters governing exercise of such jurisdiction have been authoritatively laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***, reported in ***1992 Supp (1) SCC 335***. The categories enumerated therein are illustrative. The petitioners seek to bring their case within Categories (1), (3) and (7) thereof. However, on careful examination of the FIR, charge-sheet and material collected during investigation, this Court is unable to accept the said contention.

15. With regard to Category (1), namely where the allegations even if taken at face value do not constitute any offence, this Court finds that the charge-sheet discloses allegations of facilitation, collusion and receipt of illegal gratification in the land acquisition process. Whether such allegations are ultimately proved is a matter of trial. At this stage, it cannot be said that the allegations are inherently absurd or do not disclose commission of any offence.

16. As regards Category (3), it is evident that the investigating agency has collected statements and material indicating involvement of the petitioners. The probative value, credibility or sufficiency of such material cannot be examined in proceedings under Section 528 of the BNSS.

17. The plea of mala fide so as to attract Category (7) is also



untenable. Allegations of mala fide must be supported by unimpeachable material of sterling quality. Mere assertion that the enquiry was unauthorized or that criminal law has been invoked to bypass statutory remedies is insufficient.

18. The principal plank of the petitioners' argument is that the awards passed under Section 3G of the Act of 1956 have attained finality and, therefore, criminal proceedings are not maintainable. This submission does not merit acceptance. As submitted by learned counsel respondent No. 9, the awards themselves are subject matter of arbitral and writ proceedings. More importantly, the allegations are not confined to the quantum of compensation but pertain to corruption and manipulation in the process leading to the awards.

19. It is well settled that finality of a quasi-judicial order does not confer immunity from criminal prosecution if the process leading to such order is alleged to be vitiated by fraud, corruption or conspiracy. Criminal liability operates independently of civil or statutory adjudication. The scope of arbitration under Section 3G(5) is confined to determination of compensation and does not extend to criminal misconduct.

20. The reliance placed by the petitioners on ***Dhariwal Tobacco Products Ltd.*** (supra), is misplaced, as the said case pertained to a purely commercial dispute lacking criminal intent. Similarly, the decisions in ***Hindustan Lever Ltd.*** (supra) and ***Rajkumar Tamboli*** (supra) are distinguishable on facts, as the allegations therein did not



disclose corruption or abuse of public office.

21. On the contrary, the decision in **WA No. 9 of 2021 (Poonam Sethi v. Union of India & Others)** supports the stand of the State that statutory finality does not bar criminal investigation where serious allegations of irregularity and abuse of power are raised.

22. This Court also finds it significant that cognizance has already been taken and the matter is at the stage of trial. Interference at this stage would amount to pre-empting the adjudicatory process.

23. It is trite law that at the stage of quashing, the Court is required to examine whether a prima facie case is disclosed and not whether the prosecution is likely to succeed.

24. In view of the aforesaid discussion, this Court is of the considered opinion that the present case does not fall within any of the categories enumerated in **Bhajan Lal** (supra) warranting interference under Section 528 of the BNSS.

25. Accordingly, the petitions are **dismissed**. It is clarified that the observations made herein are confined to adjudication of the present petitions and shall not influence the trial Court while deciding the case on merits, in accordance with law.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice