



2026:CGHC:21279-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1242 of 2026**

Jeevan Dewangan S/o Jagdish Dewangan Aged About 49 Years R/o
Village Markatola, Police Station Thekadih, District Khairagarh
Chhuikhadan Gandai, Chhattisgarh

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

1. State of Chhattisgarh Through The S.H.O., Police Station Thekadih,
District- Khairagarh Chhuikhadan Gandai, Chhattisgarh
2. District Satnami Samaj, Khairagarh, Police Station Thekadih,
District- Khairagarh Chhuikhadan Gandai, C.G.

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Siddharth Pandey, Advocate.
For Respondent/State	:	Mr. Nitansh Jaiswal, 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****07.05.2026**

1. Heard Mr. Siddharth Pandey, learned counsel for the petitioner. Also
heard Mr. Nitansh Jaiswal, learned Panel Lawyer, appearing for the
State/respondent No. 1.



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

“It is therefore prayed that this Hon’ble Court may kindly be pleased to quash:-

i. First Information Report (FIR) bearing No. 239 of 2025 dated 26.11.2205 registered at Police Station Thelkadih, District Khairagarh Chhuikhadan Gandai, CG for the offence punishable under Section 299 of BNS;

ii. All consequential proceedings arising consequent upon for registration of the aforesaid FIR, since the charge-sheet has not been filed.”

3. Learned counsel for the petitioner submits that on 20.11.2025, a written complaint was lodged by District Satnami Samaj, Khairagarh before the Superintendent of Police, District KCG, alleging that the petitioner had posted an objectionable message in a WhatsApp group namely “BJP Mandal Thelkadih” on or about 13.11.2025. It has been alleged that during a dispute involving two Anganwadi workers, the petitioner circulated a message in which the term “Guru Ghantaal” was used in reference to religious leader and Cabinet Minister Shri Guru Khushwant Saheb Ji, who is revered by the Satnami community. On the basis of the said allegations, it was alleged that the remark was abusive, indecent and derogatory and had intentionally hurt the religious sentiments of the community. It was further alleged that the petitioner later deleted the said message from the WhatsApp group. The complainants also alleged that upon learning about the complaint, the petitioner became infuriated and posted another message in the group. On such allegations, the



complainants sought strict legal action against the petitioner while also alleging that the petitioner had a prior criminal image.

4. Learned counsel for the petitioner further submits that on the basis of the aforesaid complaint, FIR bearing Crime No. 239/2025 came to be registered against the petitioner for the offence punishable under Section 299 of the BNS. It is submitted that the matter is still under investigation and till date no charge-sheet has been filed against the petitioner.

5. It is contended by the learned counsel, appearing for the petitioner that the wife of the petitioner is the Sabhapati of Jila Panchayat Khairagarh-Chhuikhadan-Gandai, Chhattisgarh, and prior to the registration of the present FIR, she had addressed a complaint dated 10.06.2025 to the Collector, District KCG, regarding negligence and corruption in various Anganwadi centres situated at Village Makamtola, Chechhanpahri, Pachpedi and Vicharpur. In the said complaint, allegations were made regarding irregularities in distribution of ready-to-eat food, absence of children from the centres despite showing 100% attendance in the Poshan App Tracker and other administrative irregularities. It is submitted that due to the said complaint and the local disputes concerning the Anganwadi workers, political rivalry arose against the petitioner and his family. He also contended that the petitioner is an office bearer of the Bharatiya Janata Party and has been appointed as District Vice President of BJP, District KCG, Chhattisgarh. Learned counsel submits that in such circumstances, it is highly improbable that the petitioner would intentionally make any derogatory statement against a sitting Cabinet Minister belonging to his own political party. He further submits that the petitioner



has already been granted anticipatory bail in connection with the questioned FIR in MCRCA No. 1958 of 2025 vide order dated 12.12.2025 passed by this Hon'ble Court.

6. It is further submitted by the learned counsel for the petitioner that Section 173(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 contemplates a preliminary enquiry in cases where the alleged offence is punishable with imprisonment of three years or more but less than seven years. Learned counsel submits that before proceeding with investigation, the officer in charge of the police station is required, with prior permission of an officer not below the rank of Deputy Superintendent of Police, to ascertain whether a prima facie case exists for proceeding further. However, in the present case, the FIR has been registered mechanically and without conducting any meaningful preliminary enquiry. He places reliance upon the judgment of the Hon'ble Supreme Court in **Salib v. State of U.P.**, reported in **(2023) 20 SCC 194** and submits that whenever an accused invokes the inherent jurisdiction of the High Court seeking quashment of criminal proceedings on the ground that the proceedings are frivolous, vexatious or maliciously instituted, the Court is duty bound to carefully examine the attending circumstances and the materials collected during investigation and is not restricted merely to the contents of the FIR. It is submitted that the present prosecution has been initiated due to local political rivalry and personal disputes relating to Anganwadi workers and not because any cognizable offence has actually been committed.

7. Learned counsel for petitioner submits that even if the allegations contained in the FIR are taken at their face value and accepted in entirety,



the essential ingredients constituting an offence under Section 299 of the BNS are wholly absent. There is no deliberate or malicious intention on the part of the petitioner to outrage or insult the religious feelings of any class of citizens. He further submitted that the alleged message was made in the backdrop of an administrative and personal dispute and had no nexus whatsoever with any religion, religious practice, deity or religious belief. The prosecution has merely attempted to assign a communal colour to an otherwise personal and political dispute. The petitioner has been implicated solely on the basis of certain WhatsApp messages, which, even according to the prosecution case, do not contain any explicit abusive, indecent or derogatory statement directed against any religion or community. It is submitted that the expression "Guru Ghantaal" has been intentionally misconstrued and wrongly connected with the petitioner's alleged messages despite there being no intention whatsoever to hurt the sentiments of the Satnami community.

8. It is further stated by the learned counsel for the petitioner that the allegations levelled against the petitioner are vague, omnibus and inherently improbable. The continuation of the criminal proceedings against the petitioner would amount to abuse of the process of law and unnecessary harassment. He further places reliance upon the celebrated judgment of the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***, reported in ***1992 Supp (1) SCC 335*** and submits that where the allegations made in the FIR, even if accepted in entirety, do not prima facie constitute any offence; where the allegations are absurd or inherently improbable; where the criminal proceeding is manifestly attended with mala fide intention; or where the proceedings have been maliciously



instituted with an ulterior motive for wreaking vengeance, the High Court would be justified in exercising its inherent jurisdiction to quash the proceedings.

9. Learned counsel submits that in the present case, the allegations contained in the FIR do not disclose the commission of any cognizable offence and the police authorities, acting under pressure, have mechanically registered the FIR without there being any legal basis for the same. He further submitted that the continuation of the impugned criminal proceedings would amount to gross abuse of the process of Court and, therefore, this Hon'ble Court may kindly exercise its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for quashing the impugned FIR and all consequential proceedings arising therefrom.

10. On the other hand, learned State counsel opposes the petition and submits that the allegations contained in the impugned FIR prima facie disclose commission of a cognizable offence punishable under Section 299 of the BNS. He further submits that the matter is presently under investigation and the allegations levelled against the petitioner involve disputed questions of fact, which cannot be adjudicated in proceedings under Section 528 of the BNSS. It is submitted that no case for interference or quashment of the impugned FIR is made out and, therefore, the petition deserves to be dismissed.

11. We have considered the rival submissions and perused the material available on record, including the impugned FIR.

12. A bare perusal of the impugned FIR would reveal that the complaint



arose out of a dispute involving two Anganwadi workers, namely Smt. Dulari Bai and Smt. Chameli Bai, who had earlier submitted a complaint against Jeevan Dewangan alleging harassment and illegal demand of money, pursuant to which an inquiry was being conducted by Police Station Thelkadih. The FIR itself records that thereafter, upon seeing the publication of the said matter in newspapers, Jeevan Dewangan allegedly posted a message in the WhatsApp group “BJP Mandal Thelkadih” from mobile number 9399338587 regarding furnishing information under the Right to Information Act and alleged irregularities concerning food meant for children, wherein the expression “Guru Ghantaal” was allegedly used in reference to Cabinet Minister Shri Guru Khushwant Saheb Ji. The FIR further records that the said message was subsequently deleted from the WhatsApp group and that members of the Satnami community felt hurt and insulted by the alleged use of the said expression, on the basis of which Crime No. 239/2025 came to be registered against the petitioner for the offence punishable under Section 299 of the BNS.

13. It is well settled that the power of the High Court to quash criminal proceedings under Section 528 of the BNSS (earlier Section 482 of the Cr.P.C.) is extraordinary in nature and is to be exercised sparingly, with great caution, and only in cases where the allegations do not disclose any cognizable offence or where continuation of proceedings would amount to abuse of the process of law.

14. The principles governing the exercise of such jurisdiction have been laid down by the Hon'ble Supreme Court in a catena of decisions, including *Bhajan Lal* (supra), *AIR 1992 SC 604*; *Rupan Deol Bajaj v.*



K.P.S. Gill, (1995) 6 SCC 194; Rajesh Bajaj v. State NCT of Delhi, (1999) 3 SCC 259; Medchl Chemicals & Pharma Pvt. Ltd. v. Biological E. Ltd., (2000) 3 SCC 269; State of Orissa v. Saroj Kumar Sahoo, (2005) 13 SCC 540; and Neharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315, wherein it has been consistently held that at the stage of quashing, the Court should not embark upon an enquiry into the reliability or genuineness of the allegations or enter into disputed questions of fact.

15. From a careful perusal of the allegations contained in the impugned FIR, this Court finds that the allegations cannot be said to be so absurd, inherently improbable or devoid of factual foundation so as to warrant exercise of inherent jurisdiction at this preliminary stage. The FIR specifically alleges that the petitioner posted a message in a public WhatsApp group namely “BJP Mandal Thelkadih” wherein the expression “Guru Ghantaal” was allegedly used in reference to Cabinet Minister, who is admittedly revered as a religious leader by members of the Satnami community. Whether the said expression was used casually, politically, or with deliberate intention to insult religious sentiments is essentially a matter of evidence and requires proper investigation and appreciation of factual materials, which cannot be conclusively adjudicated in proceedings under Section 528 of the BNSS.

16. At this stage, this Court is not required to meticulously examine the correctness, truthfulness or otherwise of the allegations levelled in the FIR. The scope of interference while exercising inherent jurisdiction is extremely limited and the Court cannot conduct a mini trial or appreciate



disputed questions of fact. The allegations contained in the FIR, taken at their face value, prima facie disclose commission of a cognizable offence warranting investigation. The contention of the petitioner that the dispute arose out of political rivalry, personal animosity or complaints concerning Anganwadi workers are all matters of defence, which can be appropriately examined by the competent Court at the appropriate stage after collection of evidence.

17. The judgments relied upon by learned counsel for the petitioner, including *Bhajan Lal* (supra) and *Salib* (supra), do not advance the case of the petitioner in the peculiar facts of the present case. Rather, the principles laid down therein reiterate that the extraordinary jurisdiction for quashing criminal proceedings is to be exercised sparingly and only where the allegations, even if accepted in entirety, fail to disclose any offence or where the proceedings are manifestly mala fide. In the present case, this Court is unable to hold, at this stage, that no offence whatsoever is made out from the allegations contained in the FIR.

18. So far as the contention regarding non-compliance of Section 173(3) of the BNSS is concerned, the same also does not persuade this Court to quash the FIR at the threshold, particularly when the investigation is still in progress and no material has been placed on record to conclusively demonstrate that the registration of the FIR is vitiated solely on account of procedural irregularity.

19. Considering the nature of allegations, the stage of investigation and the settled legal principles governing exercise of inherent powers, this Court is of the considered opinion that the petitioner has failed to make out



any case warranting interference under Section 528 of the BNSS.

20. Accordingly, the present petition being devoid of merit deserves to be and is hereby **dismissed**. However, it is clarified that any observation made herein is only for the purpose of deciding the present petition and shall not influence the investigation or any subsequent proceedings on merits.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**