



2026:CGHC:20044-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1220 of 2026**

Ramakant Vaishnav S/o Rajkumar Vaishnav Aged About 38 Years Presently On The Post Of Army Sepoy Kunnur State Of Kerala, (Union Of India), R/o Aamapendri, P.S. Patan, District Durg (C.G.)

... Petitioner**versus**

1 - State Of Chhattisgarh Through- Police Station Salhewara District Khairagarh-Chhuikhadan-Gandai (C.G.)

2 - Tahmid Khan S/o Late Shehban Khan Aged About 35 Years Active Member Indian National Congress Legislative Area Khairagarh M.L.A. Representative R/o Salhewara, Ward No. 12, P.S. Salhewara, District Khairagarh-Chhuikhadan-Gandai (C.G.)

... Respondents

For Petitioner : Mr.Shivendu Pandya, Advocate
For Respondent : Ms.Vaishali Mahilang, Deputy Government
No.1-State Advocate

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.Shivendu Pandya, learned counsel for the petitioner as well as Ms.Vaishali Mahilang, learned Deputy Government



Advocate appearing for respondent No.1/State.

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

“i. That, the Hon'ble Court may kindly be pleased to allow the instant petition under Section 528 of B.N.S.S. 2023 filed by the petitioner.

ii. The Hon'ble Court may kindly be pleased to quash the F.I.R. in crime no. 12/2023 registered as Police Station Salhewara District Khairagarh-Chhuikhadan-Gandai (C.G.) for offence under Section 294, 504, 505(1)(b), 67 of Information Technology Act 2005, in the interest of justice.

iii. The Hon'ble Court may kindly be pleased to quash /set aside the charge sheet filed before Judicial Magistrate First Class dated 30.09.2024 for the offence committed under Section 294, 504, 505(1)(b), 67 of Information Technology Act 2005, in the interest of justice.

iv. The Hon'ble Court may kindly be pleased to quash /set aside the cognizance taken by Judicial Magistrate First Class Chhuikhadan, District Khairagarh-Chhuikhadan-Gandai (C.G.) in Criminal Case No. 1196/2024 dated 13.11.2024 for the offence committed under section 294, 504, 505(1)(b), 67 of Information Technology Act 2005, in the interest of justice.

v. The Hon'ble Court may kindly be pleased to quash /set aside the charges frame for the offence committed under Section 294, 504, 505(1)(b), 67 of Information Technology Act 2005 by the Judicial



Magistrate First Class Chhuikhadan, District Khairagarh-Chhuikhadan-Gandai (C.G.) in Criminal Case No. 1196/2024 dated 13.11.2024, in the interest of justice.”

3. As per the prosecution story, on 28.04.2023, allegations were made against the present petitioner that he made certain statements against the Hon'ble former Chief Minister, Shri Bhupesh Baghel. It is further alleged that the petitioner used abusive language against the Hon'ble former Chief Minister and his family members. Thereafter, the petitioner allegedly uploaded a WhatsApp status containing abusive remarks against the Hon'ble former Chief Minister from his mobile phone. The said status was visible to and viewed by several persons who were in contact with the petitioner. Due to the circulation of the said WhatsApp status containing allegations against the Hon'ble former Chief Minister, Respondent No. 2, upon viewing the status on 28.04.2023 at about 12:00 PM while present in his office, also came across the content relating to the Dantewada Naxalite incident. Thereafter, he submitted a written complaint at Police Station Salhewara on 28.04.2023. Based on the said complaint, the police registered an FIR bearing Crime No. 12/2023 dated 29.04.2023 against the petitioner for offences under Sections 294, 504, 505(1)(b) of the Indian Penal Code and Section 67 of the Information Technology Act, 2000. Hence, the present petition.
4. Learned counsel for the petitioner submits that the alleged



statement attributed to the petitioner was made under severe mental stress. It is submitted that the said statement was recorded by another individual, and the video was subsequently forwarded to the petitioner. Due to a technical error, the said video was inadvertently uploaded as a WhatsApp status without any deliberate intention on the part of the petitioner. Respondent No. 2, driven by political motives and influence, has lodged a false FIR against the petitioner solely to gain political mileage, and the petitioner has been wrongly implicated in the present case. The investigation has been completed and a charge sheet has been filed. However, the only material relied upon is the Call Detail Record (CDR) along with a certificate under Section 65B of the Indian Evidence Act. No primary electronic evidence, such as a pendrive, memory card, or the original device through which the alleged message was transmitted, has been seized or produced. The prosecution case rests merely on a screenshot contained on a single page, which lacks evidentiary value. No incriminating material has been collected against the petitioner. That the petitioner has already been enlarged on bail by the learned court below and has not misused the liberty granted to him at any point of time.

5. He also submits that if the present proceedings are not quashed, it would cause serious prejudice and irreparable harm to the petitioner's career and reputation. Being posted in the State of Kerala, the petitioner is required to seek leave to attend court



proceedings, which is often not feasible due to the nature of his duties. The petitioner's superior officers may not grant leave, and his inability to appear before the trial court may result in adverse orders being passed against him. In view of the aforesaid facts and circumstances, it is respectfully submitted that this Court may be pleased to quash the FIR and all consequential proceedings against the petitioner in the interest of justice.

6. On the other hand, learned Deputy Government Advocate appearing for respondent No.1-State opposes the submissions made by learned counsel for the petitioner and submits that the allegations against the petitioner are serious in nature. The petitioner has used abusive and derogatory language against a public figure, namely the former Chief Minister, and has circulated the same through a widely accessible social media platform (WhatsApp), thereby disturbing public order and tranquility. She further submits that the FIR prima facie discloses the cognizable offence. As such, the petition deserves to be dismissed.
7. We have heard learned counsel for the parties and perused the documents appended with petition.
8. This Court is guided by the settled principles governing inherent jurisdiction under Section 482 CrPC (Section 528 BNSS). Interference at the stage of FIR or after filing of charge-sheet is warranted only where: (a) the allegations do not disclose any offence even if taken at face value; or (b) the proceedings are



manifestly attended with mala fides or are maliciously instituted.

9. From perusal of the contents of the FIR, it transpires that the complainant appeared at the police station and submitted a written application stating that one Ramakant Vaishnav, holder of mobile number 6005018681, had uploaded a WhatsApp status from his mobile phone containing obscene and abusive language directed against the Hon'ble Chief Minister of Chhattisgarh, Shri Bhupesh Baghel, as well as his family members. It was alleged that by posting such content, the accused attempted to disturb public peace and tranquility. The complainant further stated that upon viewing the said WhatsApp status, he and his associates felt deeply hurt and aggrieved. The content of the status was found to be offensive and capable of inciting public anger. Upon perusal of the application, it was found that the accused, Ramakant Vaishnav, through electronic means, had used abusive language against the Hon'ble Chief Minister and thereby attempted to provoke public sentiment and incite disturbance. In his detailed complaint, the complainant submitted that on 28.04.2023, between approximately 12:00 PM and 1:00 PM, while he was sitting at his shop located at Salhewara Bus Stand and browsing WhatsApp on his mobile phone, he saw the status uploaded by Ramakant Vaishnav. In the said status, the accused had posted an image related to the Naxalite attack that occurred in Dantewada and had written abusive and derogatory remarks against the Hon'ble Chief Minister, including offensive statements



targeting him and his family members. The complainant further stated that viewing such content caused him and other party workers considerable distress and outrage, and that the said act had the potential to incite public anger and disturb communal harmony.

- 10.** Upon due consideration of the submissions advanced by learned counsel for the parties and on perusal of the material available on record, this Court is of the considered opinion that no case is made out for exercise of inherent jurisdiction under Section 482 of the CrPC (Section 528 BNSS).
- 11.** The contention of the petitioner that the alleged WhatsApp status was uploaded inadvertently due to a technical error, or that the statement was made under mental stress and recorded by another person, involves disputed questions of fact. Such issues require appreciation of evidence and cannot be adjudicated in proceedings under Section 482 CrPC (Section 528 BNSS), which are limited in scope.
- 12.** From the contents of the FIR and the material collected during investigation, it prima facie appears that the petitioner had uploaded content containing abusive and derogatory remarks against a public figure and his family members on a social media platform accessible to the public at large. The allegations, taken at face value, disclose the commission of cognizable offences and cannot be said to be inherently improbable or absurd.



13. The submission regarding alleged deficiencies in the investigation, including non-seizure of electronic devices or reliance on screenshots and Call Detail Records, also pertains to the evidentiary value of the material collected. Such aspects are matters for trial and cannot be a ground for quashing the proceedings at this stage.
14. 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.
15. 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.

- 16.** In view of the settled legal principles governing the exercise of inherent powers, this Court finds that the present case does not fall within the exceptional categories warranting interference. The allegations in the FIR, if taken at face value, clearly disclose the commission of offences, and the matter requires adjudication on merits by the learned trial Court.
- 17.** Accordingly, the petition being devoid of merit is hereby **dismissed**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice