



2026:CGHC:21278-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1062 of 2026**

Sevant Lal Sahu (Kashyap) S/o. Late Dhal Singh Sahu (Kashyap) Aged About 46 Years Occupation - Loco Pilot, South East Central Railway, Dalli Rajhara, Permanent R/o. Village Khaprabhath, Thana Deori, District- Balod (C.G.) Presently R/o. At Quarter No. G/21, Rishabh Nagar, South City, Potia Kala Chowk, Durg, Tahsil And District- Durg (C.G.)

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

1. State of Chhattisgarh Through- The Police Station Deori, District- Balod (C.G.)
2. Lallti Kumar Devangan S/o. Late Mansingh Devangan Aged About 32 Years R/o. Village- Khaprabhath, P.S. Deori, District- Balod (C.G.)
3. XYZ Nil

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Rahil Arun Kochar, Advocate.
For Respondent/State	:	Ms. Vaishali Mahilong, 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. Rahil Arun Kochar, learned counsel for the petitioner. Also heard Ms. Vaishali Mahilong, 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:

“1. That, this Hon’ble Court may kindly be pleased to quash the impugned order dated 10.03.2026 (Annexure P/1) in Revision Petition No. 36 of 2024 passed by learned Addl. Sessions Judge (FTC), Balod (C.G.) in the interest of justice.

2. That, this Hon’ble Court may kindly be pleased to quash the order dated 12.06.2024 (Annexure P/2) passed by JMFC Dondilohara, District Balod rejecting the discharge application u/s 239 Cr.P.C. in Criminal Case No. 207 of 2020.

3. That, this Hon’ble Court may kindly be pleased to quash the memo of charge dated 21.09.2021 (Annexure P/3) and charge framing order dated 21.09.2021 (Annexure P/4) passed by JMFC Dondilohara, District Balod framing charges u/S 452, 354, 294, 506(B), 323 IPC against the petitioner.

4. That, this Hon’ble Court may kindly be pleased to

quash the cognizance order dated 11.08.2020 (Annexure P/5) taking cognizance of final report No. 57 of 2020 passed by JMFC Dondilohara, District Balod (C.G.).

5. That, this Hon'ble Court may kindly be pleased to quash the charge-sheet bearing final report No. 57/20 dated 11.08.2020 (Annexure P/6) in FIR No. 43/2020 dated 30.04.2020 registered in P.S. Deori, District Balod (C.G.) filed against the petitioner for the offences under Section 452, 354, 294, 506(B), 323 IPC and the criminal proceedings of Criminal Case No. 207 of 2020 pending before JMFC Dondilohara, District Balod (C.G.) in the interest of justice.

6. Any other relief which this Hon'ble Court deems fit and proper may also be granted to the petitioner in the interest of justice."

3. Learned counsel for the petitioner submits that the petitioner is a permanent employee working as a Loco Pilot in South East Central Railway at Dalli Rajhara and is a resident of Village Khaprabhath, District Balod (C.G.). The complainant and the petitioner belong to the same village and there existed prior political rivalry between the two families arising out of Panchayat Elections of 2019-20, wherein the petitioner's sister-in-law and the complainant's wife contested for the same post of Ward Member.

4. It is further submitted by the learned counsel, appearing for the petitioner that the prosecution case relates to an alleged incident dated 01.01.2020 said to have occurred at about 11:30-11:40 p.m. near the complainant's house, when the petitioner was returning from duty. A

written complaint was initially lodged on 02.01.2020 at Police Station Deori. However, on the very same day, the victim herself voluntarily submitted a handwritten application before the Station House Officer stating that she did not wish to take any legal action against the Petitioner. She also refused medical examination in writing and the matter was accordingly recorded in Roznama Sanha No. 70 dated 02.01.2020 and closed as "nastibaddh". No FIR was registered at that time.

5. Learned counsel further submits that after nearly four months, the complainant moved an application before the Superintendent of Police, Balod on 17.04.2020 regarding the same incident. Despite the Station House Officer, Deori submitting a report dated 28.04.2020 stating that the matter had already been settled and no offence was made out against the petitioner, FIR No. 43/2020 came to be registered on 30.04.2020 under Sections 452, 354, 294, 506-B and 323 IPC. He further contended that while filing the charge-sheet on 19.06.2020, the prosecution deliberately suppressed material documents including the handwritten withdrawal application of the victim, the Roznama Sanha entry, refusal for medical examination and other documents reflecting settlement between the parties, though such documents formed part of the police record itself. Charges were framed on 21.09.2021 and thereafter the petitioner repeatedly moved applications under Section 91 CrPC seeking production of the withheld documents. Ultimately, pursuant to orders passed in revision, the said documents were supplied to the petitioner.

6. Learned counsel for the petitioner would submit that after obtaining the concealed documents, the petitioner preferred an application under Section 239 CrPC seeking discharge on the ground that the victim herself had withdrawn the complaint immediately after the alleged incident; no injury was found in the medical report; and even the Station House Officer had opined that no offence was made out. However, the learned trial Court rejected the discharge application vide order dated 12.06.2024 without properly considering the said material and the revisional Court also dismissed the revision by the impugned order dated 10.03.2026. He also submitted that the criminal proceedings are manifestly mala fide and have been initiated with an ulterior motive owing to previous political rivalry and with the intention to jeopardize the petitioner's government service. He submits that continuation of the criminal proceedings despite suppression of exculpatory material amounts to abuse of process of law.

7. Learned counsel for the petitioner places reliance upon the judgment of the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***, reported in ***1992 Supp (1) SCC 335*** to contend that where the allegations are inherently improbable, proceedings are attended with mala fide, or continuation of prosecution amounts to abuse of process of Court, this Hon'ble Court may exercise inherent jurisdiction under Section 528 BNSS to quash the proceedings.

8. It is thus submitted that the impugned orders as well as the entire criminal proceedings arising out of FIR No. 43/2020 deserve to be

quashed in the interest of justice.

9. *Per contra*, learned State counsel opposes the petition and submits that the petitioner is seeking quashment of the revisional order dated 10.03.2026, the order rejecting discharge application dated 12.06.2024, the cognizance order, charge framing order, charge-sheet and the entire criminal proceedings arising out of FIR No. 43/2020, however, no case for interference under Section 528 BNSS is made out. It is submitted that the allegations levelled against the petitioner disclose commission of cognizable and non-compoundable offences and the material collected during investigation prima facie supports the prosecution case. It is further submitted that the grounds raised by the petitioner involve disputed questions of fact which can only be adjudicated during trial on the basis of evidence.

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

11. From perusal of the record, it appears that FIR No. 43/2020 was registered pursuant to directions issued by the competent superior police authority after considering the complaint submitted by the complainant party. Upon investigation, charge-sheet came to be filed against the petitioner for offences punishable under Sections 452, 354, 294, 506-B and 323 IPC and the learned Magistrate, upon consideration of the material collected during investigation, took cognizance and framed charges against the petitioner.

12. The principal contention raised by the petitioner is that since the

complainant had initially withdrawn the complaint on 02.01.2020 and the matter was recorded in Roznama Sanha No. 70, the subsequent registration of FIR and continuation of criminal proceedings amount to abuse of process of law. The petitioner has also contended that certain documents favourable to him were not supplied at the initial stage and were deliberately suppressed by the prosecution.

13. The learned trial Court, while rejecting the application under Section 239 CrPC vide order dated 12.06.2024, recorded a finding that though the complainant had initially expressed unwillingness for action due to family and village pressure, subsequently allegations were made that the petitioner again abused, threatened and mentally harassed the complainant party, whereafter an application was submitted before the superior police authorities seeking action on the earlier complaint. Pursuant thereto, FIR was registered and investigation was conducted.

14. The learned trial Court further observed that the offences alleged against the petitioner are cognizable, non-bailable and non-compoundable in nature and, therefore, merely because the complainant had initially withdrawn the complaint, the criminal proceedings could not be terminated at the threshold. It was further held that prima facie material exists against the petitioner and that the issues raised by him regarding withdrawal application, Roznama Sanha entry and alleged false implication involve disputed questions of fact requiring appreciation of evidence during trial.

15. The revisional Court, while affirming the order passed by the

learned trial Court, also found that the material available on record discloses prima facie commission of offences and that the defence sought to be raised by the petitioner cannot be examined conclusively in proceedings of the present nature.

16. This Court is of the considered opinion that at the stage of exercising inherent jurisdiction under Section 528 BNSS, meticulous appreciation of evidence or adjudication upon disputed factual questions is impermissible. The defence sought to be raised by the petitioner with regard to political rivalry, alleged suppression of documents, withdrawal of complaint and falsity of allegations are all matters which can appropriately be examined by the trial Court upon recording of evidence.

17. It is well settled that while considering a prayer for quashment, the Court is only required to see whether prima facie material exists for proceeding against the accused. From the FIR, statements of witnesses and other material collected during investigation, it cannot be said that no offence whatsoever is made out against the petitioner or that continuation of proceedings would amount to abuse of process of law.

18. The contention of the petitioner that the proceedings are liable to be quashed solely because the complainant had initially withdrawn the complaint also does not merit acceptance. The offences alleged against the petitioner are cognizable and non-compoundable in nature and, therefore, the initial unwillingness of the complainant to proceed further would not by itself extinguish criminal liability, particularly when

subsequent allegations were made before the superior police authorities leading to registration of FIR and investigation.

19. So far as the reliance placed by learned counsel for the petitioner upon ***Bhajan Lal*** (supra) is concerned, the same is distinguishable on facts. In the present case, the allegations made in the FIR and the material collected during investigation do disclose prima facie commission of offences and the matter requires adjudication on evidence during trial. Therefore, the present case does not fall within the categories enumerated in the aforesaid judgment warranting exercise of inherent powers for quashing the proceedings.

20. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that no ground is made out for quashing the impugned order dated 10.03.2026 passed by the revisional Court, the order dated 12.06.2024 passed by the learned trial Court rejecting the discharge application, the cognizance order dated 11.08.2020, the charge framing order dated 21.09.2021, the charge-sheet/final report arising out of FIR No. 43/2020 or the consequential criminal proceedings pending against the petitioner.

21. Accordingly, the present petition being devoid of merit and substance is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice