



2026:CGHC:21125-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1005 of 2025

Swapneel Jain S/o Late Shri Upendra Kumar Jain Aged About 40 Years R/o Kocheta Niwas, Near Swastik Nursing Home, Jal Vihar Colony, Raipur Tehsil And District- Raipur (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Police Station- Mahila Thana, Raipur, District- Raipur (C.G.)

2 - Disha Jain W/o Swapneel Jain Aged About 37 Years R/o C/o Mrs Asha Jain, G-103, Palm Bellagio, In Front Of Smc Hospital/indian Oil Petrol Pump, Khamardih Road, Raipur, Chhattisgarh 492007. (Complainant In The Instant Crime)

... **Respondent(s)**

(Cause Title Taken from Case Information System)

For Petitioner(s) : Mr. Anmol Sharma, Advocate
 For Respondent No. 1/State : Ms. Vaishali Mahilong, Deputy Government Advocate
 For Respondent No. 2 : In Person

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

06/05/2026

1. Heard Mr. Anmol Sharma, learned counsel for the petitioner. Also heard Ms. Vaishali Mahilong, learned Deputy Government Advocate for the respondent / State as well as the respondent No. 2, appearing in person.

2. The petitioner has filed this petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, the BNSS) praying for quashing of the FIR bearing Crime No. 145/2023 registered at P.S. Mahila Thana, District -Raipur by the respondent No. 1 on 10.12.2023 for the offence under Sections 498A of the Indian Penal Code (*for short, the IPC*), further quashing of the charge-sheet bearing No. 41/2024 dated 05.05.2024 as also the order taking cognizance dated 25.06.2024 passed in Criminal Case No. 10000/2024, and entire proceedings of Criminal Case No. 10000/2024 pending before the learned Judicial Magistrate First Class, Raipur, against the petitioner pursuant to the aforesaid chargesheet.
3. The prosecution case, in brief, is that the marriage between the petitioner and respondent No. 2 was solemnized on 19.02.2011 at Tatibandh, Raipur in accordance with Hindu customs and rituals. From the said wedlock, two children namely Khanak Jain (aged about 10 years) and Prerak Jain (aged about 6 years) were born. Soon after the marriage, the complainant/respondent No. 2 started residing in her matrimonial home, however, after some time, disputes arose between the parties on account of alleged acts of cruelty committed by the petitioner and his family members, wherein it is specifically alleged that the complainant was subjected to mental and physical harassment on account of unlawful demand of dowry, that she was not permitted to pursue her higher education, and was compelled to perform household work under coercive circumstances. Based on these allegations, the complainant submitted a written complaint before the Mahila Thana, Raipur on 10.12..2023, pursuant to which the Police initially undertook counselling proceedings between the parties, which having failed, culminated in registration of FIR for offences punishable under Sections

498-A and 34 IPC against the petitioner along with his family members, namely his mother, Shanta Jain and other relatives. However, after completion of investigation, the police filed a charge-sheet dated 05.05.2024 only against the present petitioner, whereupon the learned Judicial Magistrate First Class, Raipur took cognizance on 25.06.2024 and registered Criminal Case No. 10000/2024, which is presently pending consideration at the stage of arguments on charge, with the prosecution maintaining that the acts attributed to the petitioner constitute continuous cruelty and harassment within the meaning of Section 498-A IPC, thereby warranting his prosecution in accordance with law.

4. Mr. Anmol Sharma, learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present crime by the complainant with oblique motives, and the allegations levelled in the impugned FIR and charge-sheet are wholly vague, omnibus, inherently improbable and an afterthought, instituted solely with an intent to harass and pressurize the petitioner. It is further submitted that the complaint has been lodged after an inordinate and unexplained delay of more than twelve years from the date of marriage, without any contemporaneous complaint or material on record, which itself casts a serious doubt on the veracity and genuineness of the allegations, particularly when the complainant/respondent No. 2 is an educated individual well aware of her legal rights, and the timing of the complaint, immediately subsequent to the filing of divorce proceedings by the petitioner clearly demonstrates mala fide intent and abuse of the process of law. It is further contended that even a bare perusal of the FIR and the material collected during investigation does not disclose the essential ingredients constituting an offence under Section 498-A IPC, as there are no specific allegations

attributing any distinct overt act or role to the petitioner, and the allegations are general and sweeping in nature, falling short of the legal threshold required for criminal prosecution, as consistently held by the Hon'ble Supreme Court that mere reproduction of statutory language without specific particulars does not constitute a valid complaint. It is further submitted that the learned Trial Court has committed grave error in taking cognizance of the offence without proper application of mind and in disregard of the statutory bar contained under Section 468 Cr.P.C, inasmuch as the alleged offence under Section 498-A IPC being punishable with imprisonment up to three years, is subject to a limitation period of three years under Section 468(2)(c) Cr.P.C, and in the absence of any explanation for condonation of delay, the cognizance itself is vitiated. It is further urged that the allegations regarding denial of educational opportunities are demonstrably false and contrary to record, as the petitioner has in fact supported the complainant in pursuing her higher education, including securing her admission in M.D.S. course and arranging substantial funds towards fees and allied expenses, thereby negating the allegation of cruelty. It is further submitted that the entire criminal proceeding is manifestly attended with mala fide and has been maliciously instituted with an ulterior motive to wreak vengeance and to exert pressure in matrimonial disputes, and therefore, continuation of such proceedings would amount to abuse of the process of law, warranting interference by this Court in exercise of its inherent jurisdiction to secure the ends of justice.

5. Ms. Vaishali Mahilong, learned State counsel submits that the impugned FIR has been registered on the basis of a detailed complaint disclosing cognizable offences and upon due investigation the police have collected material including statements of the complainant and supporting

witnesses which *prima facie* establish the commission of offence under Section 498-A IPC. It is submitted that the charge-sheet has already been filed and the learned Judicial Magistrate First Class, Raipur, has taken cognizance, and the matter is presently pending consideration at the stage of arguments on charge. It is contended that the petitioner has an efficacious remedy before the trial court to seek discharge and to raise all permissible defences during trial. It is thus submitted that at this stage no case for interference is made out and the petition being premature and devoid of merit deserves to be dismissed.

6. The respondent No.2, appearing in person, submits that the relief(s) as sought for by the petitioner in this petition, is wholly misconceived, untenable and liable to be rejected. She submits that the complaint lodged by respondent No. 2 is based on true and correct facts disclosing continuous acts of physical and mental cruelty inflicted upon her by the petitioner in connection with unlawful demand of dowry, and the allegations have been duly substantiated during the course of investigation by her statement as well as corroborative statements of material witnesses. It is therefore submitted that a prima facie case under Section 498-A IPC is clearly made out, the investigation has been conducted in accordance with law, and the learned Trial Court has rightly taken cognizance. Thus, the present petition is devoid of merit and deserves to be dismissed, as no case is made out for exercise of inherent jurisdiction for quashment of the FIR or the consequential proceedings.
7. Mr. Sharma, learned counsel appearing for the petitioner, placing reliance on the rejoinder to the return filed by the respondent No. 1/State, has tried to controvert the submissions advanced by the learned State

counsel. In support of his contentions, Mr. Sharma places reliance on the decision of the Apex Court in ***Achin Gupta v. State of Haryana & Another*** {Cr.A. No. 2379/2024, decided on 03.05.2024}, ***Suman Mishra v. The State of Uttar Pradesh & Another*** {SLP(Crl.) No. 9218/2024, decided on 12.02.2025}, ***Dara Lakshmi Narayana & Others v. State of Telangana & Another*** {SLP(Crl.) No. 16239/2024, decided on 10.12.2024}.

8. We have heard learned counsel appearing for the parties, perused the pleadings and materials available on record.
9. A query was put by this Court as to whether the parties had tried for amicable settlement by way of mediation, it was informed by the parties that in a revision petition filed by the respondent No. 2/complainant being Cr.R. No. 537/2024, challenging the order dated 30.04.2024 passed in Case No. 581/2023 by the II Additional Principal Judge, Family Court, Raipur, whereby a sum of Rs.9000/- per month was granted as interim maintenance to the respondent No. 2 and her two children, the learned Single Judge had sent the parties for mediation, however, the mediation proceedings failed and there is no scope of any further mediation.
10. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the FIR or the charge-sheet may be quashed in exercise of

powers under Article 226 or inherent powers under Section 482 of the Cr.P.C.

11. There is no dispute with regard to the ratio laid down by the Hon'ble Apex Court in the cases cited above. However, the facts of the case has also to be kept in mind and in the present case, the materials available on record clearly demonstrates that a case against the petitioner is made out.
12. In ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and others*** {2021 SCC OnLine SC 315}, the Apex Court has observed that the power of quashing should be exercised sparingly with circumspection in the rarest of rare cases. While examining an FIR/complaint, quashing of which is sought, the Court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the FIR/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 FIR 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 FIR disclose the commission of a cognizable offence and is not required to consider the case on merits.
13. From perusal of the materials available on record, prima facie, it cannot be held that no cognizable offence is made out against the petitioner and the petitioner has adequate remedy available before the trial Court concerned to raise all permissible grounds at the appropriate stage in accordance with law, and as such, this Court is of the view that this is not a fit case where this Court should exercise its powers under Section 482

of the Cr.P.C. {now Section 528 of the BNSS} and quash the FIR, the charge sheet and the consequential criminal proceedings.

- 14.** As such, this petition being devoid of merit, is **dismissed**. Interim order, if any, also stands vacated.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE