



CGHC010181742026

2026:CGHC:36783-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 263 of 2026

1 - Yogeshwar Singh S/o Late Dilsingh Aged About 35 Years Caste Kshatriya, R/o Ward No.2, Bastipara Jogidipa, Tehsil Pamgarh, District Janjgir-Champa (C.G.)

2 - Ramayan Patel S/o Umapatim Patel Aged About 38 Years R/o Ward No. 7, School Mohalla Jogidipa, Tehsil Pamgarh, District Janjgir-Champa (C.G.)

--- **Petitioner(s)**

versus

1 - State of Chhattisgarh Through The Superintendent of Police, Janjgir-Champa (C.G.)

2 - Akash Kumar Shrivastava S/o Late Ramshanker Shrivastava R/o Village Taga, P.S. Mulmula, Tehsil Akaltara, District Janjgir-Champa (C.G.)

3 - Station House Officer Police Station Pamgarh, District Janjgir-Champa (C.G.)

--- **Respondent(s)**

For Petitioner(s)	: Mr. Rahul Singh Thakur, Advocate.
For Respondent(s) No. 1	: Mr. Ashish Shukla, Additional Advocate General
& 3	
For Respondent No. 2	: None

Hon'ble Mr. Ramesh Sinha, Chief Justice

Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

18/08/2026

1. Heard Mr. Rahul Singh Thakur, learned counsel for the petitioner. Also heard Mr. Ashish Shukla, learned Additional Advocate General for the State/respondent No. 1 and 3.

2. On 11.05.2026, this Court had issued notices to the respondent No. 2 and the notice was duly issued on 20.05.2026. From perusal of the endorsement made by the Process Server on the notice, it transpires that he had tried to served the notice upon the respondent No. 2, but he refused to accept the same. Accordingly, the notice is deemed to have been duly served upon respondent No.2, and we proceed to decide the matter on merits.
3. By this petition under Article 226 of the Constitution of India, the petitioner seeks for the following relief(s):

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions to quash the FIR/Crime No.148/2026 registered at Police Station- Pamgarh, District Janjgir-Champa (C.G.) on 07/04/2026 for offence under Sections 296, 3(5) and 351(3) of the Bhartiya Nyay Sanhita (B.N.S.), 2023 and for quashing of entire further proceeding initiated in FIR/Crime No.148/2026 by Police Station, Pamgarh District Janjgir-Champa (C.G.).

10.2 Any other relief which may deems fit may also be awarded along with cost of the petition.”

4. The facts, in brief, as projected by the petitioners are that on 10.07.2024 the petitioner No.1 filed a complaint under Section 138 of Negotiable Instrument Act (for short, the NI Act) against the respondent No.2/complainant stating *inter alia* that to meet out household expenses, the respondent No.2/complainant took a loan of Rs.5 Lacs from the petitioner No.1 and to discharge the aforesaid legal liability to repay the loan amount, issued a cheque dated 09.04.2024 amounting to Rs.5 Lacs and when the cheque was presented on 27.05.2024 the same was dishonored due to "insufficient fund". Thereafter, a legal notice was sent to the respondent No. 2. A complaint was also filed by the petitioner No.

1 before the Judicial Magistrate First Class, Pamgarh District Janjgir-Champa, and the said compliant case is pending consideration. On 20.09.2024 cognizance was taken by learned Judicial Magistrate First Class, Pamgarh and Criminal Case No.1459/2024 registered and the matter was fixed on 12.12.2024 for appearance of the respondent No.2. On 12.12.2024, again summon was issued for appearance of respondent No.2 and matter was fixed for 17.01.2025, again matter was fixed for appearance of the respondent No.2 on 11.03.2025 and thereafter on 09.05.2025, and on 09.05.2025, a bailable warrant was issued for appearance of respondent No.2 and the matter was fixed for 17.06.2025. Still on 17.06.2025 the respondent no.2 did not appear before the learned upon which again a bailable warrant was issued for appearance 28.08.2025.

5. Mr. Rahul Singh Thakur, learned counsel for the petitioners submit that on 17.06.2025 an agreement was entered into between the petitioner and respondent No.2 on a non-judicial stamp before the Notary Public and petitioner No. 2 is a witness to the agreement dated 17.06.2025. The agreement entered to the effect that Complaint Case No.1459/2024 registered in a complaint under Section 138 of NI Act was pending and the respondent No.2 would repay the amount on or before 28.06.2025 and in case failure to repay the amount whatever order is passed by the Court shall be binding. After execution of the agreement on 17.06.2025, the respondent No.2 made a complaint before the Superintendent of Police, Janjgir-Champa on 18/19.06.2025 alleging that forcefully and abusing him, signature was taken on a Stamp Paper on 17.06.2025 and he is not aware about the contents of the agreement and though he made a report to the Police Station, Pamgarh on 17.06.2025 at 8.00 p.m., no action has been taken on his complaint. On aforesaid alleged

complaint, a detail investigation was conducted by Station House Officer, Pamgarh, District Janjgir- Champa and on 18.09.2025 a report was submitted that no such incident occurred and only to avoid refund of amount, false report has been made. The respondent No. 2 was granted bail on 16.01.2026 and the matter was fixed for 20.02.2026 and thereafter on 28.03.2026 The matter was fixed for 19.05.2026 and in between on 07.04.2026, an FIR was registered against the petitioners on the same complaint of respondent No.2, by the respondent No.3 for offence under Sections 296, 3(5), 351(3) of Bhartiya Nyay Sanhita (for short, the BNS, 2023). The petitioners have applied for verified copy of FIR/Crime No.148/2026 at Police Station Pamgarh but the same was not provided, and as such, the petitioners were constrained to file an application under the provisions of the Right to Information Act, 2005 before the Superintendent of Police, Janjgir- Champa on 22-23.04.2026 till date same was not provided and the petitioners were constrained to obtain a copy from the Choice Centre, Pamgarh.

6. Mr. Thakur submits that the FIR has been lodged with an ulterior motive by the complaint/respondent No. 2 as he does not want to repay the loan amount taken from the petitioners. From perusal of the contents of the agreement dated 17.06.2025 it is evident that if the complainant failed to repay the amount of Rs.5 Lacs on or before 28.06.2025 then they will be governed by the outcome of the proceeding under Section 138 of NI Act. The complaint made by the respondent No.2 against the petitioners was already found to be false by respondent No.3 after conducting due enquiry by order dated 18.09.2025 (Annexure P/3) and then on same facts, FIR has been lodged on 07.04.2026 by the respondent No.3 and that too, during pendency of proceedings under Section 138 of NI Act. The entire proceedings are manifestly frivolous and vexatious and

instituted with an ulterior motive for wreaking vengeance. Such proceedings should be quashed. In support of his contentions, Mr. Thakur places reliance on the judgment of the Apex Court in ***Mohammad Wajid v. State of U.P.*** {2023 scc online sc 951}, ***S. N. Vijayalakshmi & Ors v. State Of Karnataka & Anr*** {2025 INSC 917} and ***Paramjeet Batra v. State of Uttarakhand*** {(2013) 11 SCC 673}.

7. On the other hand, Mr. Ashish Shukla, learned Additional Advocate General appearing for the State/respondent No. 1 and 3 submits that when the complaint was made by the respondent No. 2, and on prima facie investigating the case, it was revealed that a cognizable offence was made out against the petitioners, the FIR was registered and the matter is still pending consideration. The petitioner has failed to make out any ground which may call for any interference by this Hon'ble Court. The petitioner may take any plea before the learned trial Court and as such, this petition deserves to be dismissed at the threshold.
8. Despite service of notice, none has appeared on behalf of the respondent No. 2 nor any return has been filed rebutting the claims made by the petitioners.
9. 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.

10. 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.
11. We have also carefully perused the FIR registered against the petitioners bearing Crime No. 0148/2026 at Police Station Pamgarh, District Janjgir-Champa, for the offences punishable under Sections 296, 3(5) and 351(3) of the Bharatiya Nyaya Sanhita, 2023. It has been alleged therein that the complainant, who is a resident of Village Taga, Police Station Mulmulla, Tehsil Akaltara, District Janjgir-Champa, had gone to the Pamgarh Court on 17.06.2025 in connection with a date of hearing. After having snacks at Yadav Hotel, situated adjacent to the shop near the gate of Janpad Panchayat, Pamgarh, while he was leaving the place, petitioner No. 1 approached him and asked him to stop his vehicle and open its window. As soon as the complainant opened the window, petitioner No. 1 allegedly forcibly snatched the keys of his vehicle and abused him in filthy language. Thereafter, petitioner

No. 2, along with five other persons, arrived at the spot and threatened the complainant, stating that he would have to pay the money and questioning his failure to attend the court proceedings. They further threatened him with dire consequences, stating that since he frequently moved between Pamgarh and Akaltara, if they found him alone one day, they would assault him and dispose of his body in such a manner that it could never be traced. It is further alleged that the petitioners forcibly obtained the complainant's signatures on a stamp paper of Rs. 50/- and compelled him to enter into an agreement, the contents of which were not disclosed to him.

12. The undisputed chronology of events assumes considerable significance while examining the genuineness of the allegations contained in the impugned FIR. The material placed before us shows that prior to the registration of the impugned FIR, petitioner No.1 had already instituted proceedings under Section 138 of the NI Act against respondent No.2. The said complaint was based upon a cheque for an amount of Rs.5,00,000/-, which, according to petitioner No.1, had been issued by respondent No.2 towards discharge of his liability arising out of a loan of Rs.5,00,000/- taken by him from petitioner No.1. The cheque, dated 09.04.2024, when presented for encashment on 27.05.2024, was dishonoured on account of "insufficient funds". Thereafter, statutory notice was issued and complaint under Section 138 of the NI Act was instituted before the learned Judicial Magistrate First Class, Pamgarh. Cognizance was taken on 20.09.2024 and Criminal Case No.1459/2024 came to be registered. It is further borne out from the record that respondent No.2 did not appear before the learned Trial Court despite repeated opportunities and issuance of summons. Ultimately, a bailable warrant was issued against him. In the interregnum, on 17.06.2025, an

agreement was executed between petitioner No.1 and respondent No.2 before a Notary Public, wherein the pendency of the proceedings under Section 138 of the Negotiable Instruments Act was specifically acknowledged and respondent No.2 agreed to repay the amount on or before 28.06.2025, with an understanding as to the consequence in the event of failure to repay the amount. Petitioner No.2 is stated to have witnessed the said agreement.

13. Significantly, immediately thereafter, respondent No.2 made a complaint alleging that his signatures had been forcibly obtained on the stamp paper and that he was unaware of the contents of the document. The said allegation was not accepted by the police upon enquiry. As noticed from the record, the Station House Officer, Police Station Pamgarh, after conducting a detailed enquiry, submitted a report on 18.09.2025 recording that no such incident had occurred and that the complaint appeared to have been made falsely with a view to avoid repayment of the amount. Despite such enquiry and report, and without there being any apparent intervening circumstance explaining the considerable delay, the impugned FIR came to be registered on 07.04.2026 on the very same set of allegations.
14. Thus, the sequence of events cannot be viewed in isolation. Respondent No.2 is himself facing prosecution at the instance of petitioner No.1 under Section 138 of the NI Act in respect of a cheque of Rs.5,00,000/-, allegedly issued by him towards repayment of the loan amount. The said cheque was dishonoured for insufficiency of funds, statutory proceedings were initiated, cognizance was taken and the complaint case is pending before the competent Court. The subsequent allegations of forcible execution of the agreement arose only after the petitioner had initiated

proceedings for recovery of the amount and after respondent No.2 had failed to comply with the process issued by the learned Magistrate.

15. It is true that at the stage of considering a petition for quashing of an FIR, this Court ordinarily does not undertake an appreciation of evidence or conduct a meticulous examination of the defence of the accused. However, the present case is not founded merely upon a plea of innocence or upon a disputed defence. The chronology of events, the admitted pendency of the proceedings under Section 138 of the NI Act, the execution of the agreement in the backdrop of those proceedings, the earlier police enquiry into substantially the same allegations and the subsequent registration of the FIR on the same factual foundation are circumstances which can legitimately be taken into consideration for determining whether continuation of the criminal proceedings would amount to abuse of the process of law.
16. We are conscious of the fact that the report submitted by the Police in the earlier enquiry, by itself, may not constitute a conclusive adjudication of the allegations made by respondent No.2. Nevertheless, the fact remains that the allegations regarding forcible obtaining of signatures on the agreement had already been examined by the police and the complaint was found to be without substance. Thereafter, the impugned FIR was registered after a considerable lapse of time and during the pendency of the proceedings under Section 138 of the NI Act. The respondent No.2 has also chosen not to appear before this Court also despite service of notice and has not filed any return controverting the specific factual assertions made by the petitioners. The allegations in the FIR, when considered in the backdrop of the aforesaid circumstances, give a strong indication that the criminal machinery has been set in

motion not for vindication of any genuine criminal grievance but as a means of exerting pressure upon the petitioners in relation to the monetary dispute and the pending proceedings under Section 138 of the NI Act. The criminal proceeding appears to have been instituted as a counterblast to the proceedings already initiated by petitioner No.1 for recovery of the amount represented by the dishonoured cheque.

17. The Supreme Court in ***State of Haryana & Others v. Bhajanlal & Others***, {AIR 1992 SC 604} has recognized that where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, the inherent jurisdiction of the High Court can be exercised to prevent abuse of the process of law. In the present case, the facts fall within the aforesaid category. The dispute between the parties essentially has its genesis in a monetary transaction of Rs.5,00,000/-. Petitioner No.1 had already initiated a statutory criminal proceeding under Section 138 of the Negotiable Instruments Act against respondent No.2 on the basis of the cheque allegedly issued by respondent No.2 towards repayment of the said amount. The subsequent allegations are closely intertwined with the same monetary dispute. The fact that the impugned FIR was registered after the earlier complaint had been enquired into and found to be false, and during the pendency of the proceedings arising out of the dishonoured cheque, assumes substantial significance.
18. We are also of the considered view that permitting the investigation and consequential criminal proceedings to continue in the peculiar facts of the present case would serve no legitimate purpose. The criminal

process cannot be permitted to become an instrument for frustrating or circumventing proceedings already instituted before a competent Court for enforcement of a legally enforceable monetary liability. In the present case, the surrounding circumstances demonstrate that the impugned prosecution is intrinsically connected with the same monetary dispute and has been initiated with the apparent object of putting pressure upon the petitioners. We, therefore, find substance in the submission of learned counsel for the petitioners that the impugned FIR is manifestly attended with mala fide and has been instituted with an ulterior motive.

19. The present case is one where the extraordinary jurisdiction of this Court deserves to be exercised to prevent abuse of the process of law and to secure the ends of justice. Accordingly, the FIR dated 07.04.2026 bearing Crime No. 0148/2026 registered at Police Station Pamgarh, District Janjgir-Champa, for offences punishable under Sections 296, 3(5) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and all consequential proceedings arising therefrom, insofar as they relate to the present petitioners, are hereby quashed.
20. Consequently, the present petition is **allowed**. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Chandra / Amit