



2025:CGHC:46114-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2826 of 2025

Khorbahara Dhruw S/o Lila Ram Dhruw Aged About 48 Years R/o Nawapada Para, New Primary School, Ward No. 16 Fingeshwar, Post Officer Sorid, District Raipur (Now Fingeshwar) Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Police Of Police Station Fingeshwar, District Gariyaband, Chhattisgarh

2 - Smt. Bishakha Bai Kanwar W/o Late Gesnarayan Kanwar Aged About 50 Years R/o Patora, Fingeshwar, District Gariyaband, Chhattisgarh

... Respondent(s)

For Petitioner(s) : Ms. Renu Kochar on behalf of Mr. Rahil Arun Kochar, Advocate

For Respondent(s) : Mr. Shailendra Sharma, Panel Lawyer and Mr. Leekesh Kumar, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

10.09.2025

- 1) Heard Ms. Renu Kochar on behalf of Mr. Rahil Arun Kochar, learned counsel for the petitioner. Also heard Mr. Shailendra Sharma, learned Panel Lawyer for respondent No.1 / State and Mr. Leekesh Kumar, learned counsel for respondent No.2.

- 2) The present petition has been filed seeking following relief(s):

“It is respectfully prayed that the Hon'ble Court may kindly be pleased to quash the FIR bearing Crime No. 181/2025 dated 20.06.2025 registered at Police Station Fingeshwar District Gariyaband (C.G.) against the present petitioner for offence under Section 318(4), 61(2), 338, 336(3), 340(2) & 3(5) of BNS which is gross abuse of process of law, illegal and against the provision of law and thus liable to quash, in the interest of justice.”

- 3) Prosecution story in brief is that on 20.06.2025, an FIR was registered against the present petitioner and co-accused under Sections 61(2), 318(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the basis of a written complaint lodged by respondent No. 2, namely Smt. Bishakha Bai. The complainant has alleged that she is the widow of Late Shri Geshnarayan Kanwar, who was posted as a Teacher in Government Higher Secondary School, Borid, District Gariyaband, and who expired on 08.02.2021. It is further alleged that on 08.01.2024, the complainant met the present petitioner, who informed her that for preparation and clearance of the post-death pension case and for release of gratuity and other retiral dues, a sum of Rs.2,00,000/-

was required to be paid. For this purpose, the complainant was compelled to issue a blank cheque. According to the prosecution, it was subsequently discovered by respondent No. 2 that instead of withdrawing Rs.2,00,000/-, an amount of Rs.2,80,000/- had been fraudulently withdrawn from her account, and despite the payment, her post-death pension case and other retiral dues were not cleared. On the basis of the above allegations, FIR bearing Crime No. 181/2025 was lodged at Police Station Fingeshwar, District Gariyaband, under Sections 318(4), 61(2), 3(5) of BNS, and during investigation, Sections 338, 336(3), and 340(2) BNS were subsequently added. Hence this present petition.

- 4) Learned counsel for the petitioner submits that that on 20.06.2025, respondent No. 2 lodged FIR vide Crime No. 181/2025 at Police Station Fingeshwar, District Gariyaband, under Sections 318(4), 61(2), 3(5) of the BNS, and subsequently during investigation, Sections 338, 336(3), and 340(2) of the BNS were also added. The present petitioner had earlier filed an application under Section 482 of the BNSS for grant of anticipatory bail vide MCRCa No. 1103/2025, which was rejected on 28.07.2025. She further submits that since the parties have settled the dispute out of Court, no fruitful purpose would be served by continuing with the proceedings, particularly when respondent No. 2, being the main aggrieved party, has no objection to quashing/compounding of the case. Hence, this petition has been filed.

- 5) Per contra, learned State counsel opposes the submissions advanced on behalf of the petitioner and contends that once an FIR has been registered, it must be investigated in accordance with law and taken to its logical conclusion. The fact that a compromise has taken place between the parties, cannot by itself be a ground for quashing the FIR, particularly when the allegations also involve offences of forgery which are non-compoundable. It is, therefore, urged that the present petition deserves to be dismissed.
- 6) Learned counsel appearing for respondent No. 2, however, supports the submission made by learned counsel for the petitioner. He further submits that respondent No. 2 has filed I.A. No. 2 of 2025, which is an application under Section 359(2)(8) of the BNSS. Considering the compromise arrived at between the parties, it would be in the interest of justice to allow the said application and quash the criminal proceedings arising out of FIR dated 20.06.2025 registered as Crime No. 181/2025 at Police Station Fingeshwar, District Gariyaband (C.G.), under Sections 318(4), 61(2), 338, 336(3), 340(2) & 3(5) of the BNS. It is stated that the parties have resolved the dispute amicably and cordial relations are prevailing between them. Therefore, no useful purpose would be served by continuing with the proceedings, and in order to secure the ends of justice, quashing of the FIR has become necessary. Accordingly, respondent No. 2 seeks permission to compound the matter with the petitioner.

- 7) We have heard learned counsel for the parties and carefully perused the material on record, including the impugned FIR.
- 8) In the present case, respondent No. 2 has filed an application under Section 359(2)(8) of the BNSS, asserting that the dispute with the petitioner has been amicably settled and expressing no objection to the quashing of the FIR. However, at this stage, this Court is not inclined to accept such a prayer.
- 9) It is a well-established principle that the power to quash an FIR under Section 528 of the BNSS or Section 482 of the Cr.P.C. must be exercised sparingly and only in exceptional circumstances. The Hon'ble Supreme Court, in *State of Haryana v. Bhajan Lal*, reported in AIR 1992 SC 604, *Neharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, reported in 2021 SCC OnLine SC 315, and *State of M.P. v. Laxmi Narayan*, reported in (2019) 5 SCC 688, has unequivocally held that where an FIR discloses the commission of cognizable offences, the investigation must be allowed to proceed to its logical conclusion. Such proceedings cannot be prematurely halted merely because the parties have reached a compromise.
- 10) In the present matter, the investigation is still underway and the final report/charge-sheet has not yet been filed. At this stage, the Court cannot make any determination regarding the truthfulness or otherwise of the allegations, nor can it quash the proceedings solely based on a compromise submitted by the complainant.

Further, no written compromise has been entered between the parties.

- 11) Further, from a perusal of the FIR reveals that Smt. Bishakha Bai Kanwar, widow of Late Shri Gesnarayan Kanwar, resident of Village Patora, Police Station Fingeshwar, District Gariyaband, has stated that her husband was employed as a teacher at Government Higher Secondary School, Borid, and passed away due to a heart attack on 08.02.2021. Following his demise, her son, Sunil Kanwar, was appointed as a Peon on compassionate grounds. For the purpose of processing her late husband's pension, she approached the Block Education Office (BEO), Fingeshwar, where she met the senior clerk, Shri Mohammad Majhar Khan. He allegedly informed her that payment of money was required for preparing the pension case and disbursing the benefits. When she declined, he purportedly stated that her pension case would not be processed without payment. Thereafter, in January 2024, an amount of Rs. 6,81,634/- was credited to her Union Bank, Fingeshwar account (A/c No. 373702120001534) from the Treasury, Gariyaband. Subsequently, Mohammad Majhar Khan and Shri Khorbahara Ram Dhruv (Clerk, Govt. HSS Borid) contacted her, claiming that the necessary work for her pension and gratuity had been completed and demanded Rs. 2,00,000/-. Trusting their representations, she handed over her cheque book to Shri Khorbahara Ram Dhruv and signed a

blank cheque, as instructed. Later, she discovered that instead of Rs. 2,00,000/-, an amount of Rs. 2,80,000/- had been filled in and withdrawn fraudulently. Despite repeated follow-ups, her pension case remained unprocessed. Further inquiry at the BEO Office revealed that no payment was ever required to process pension cases. It became apparent that the said officials had cheated her by fraudulently withdrawing Rs. 2,80,000/- under the pretext of assisting with her pension.

- 12) The allegations against the petitioner, a government servant, pertain to the demand for illegal gratification, misappropriation of retiral dues, and acts amounting to moral turpitude under the BNSS. Such offences are not private in nature; they carry wider ramifications for society and impact public confidence in governance. The Hon'ble Supreme Court in *Laxmi Narayan* (supra) has emphasized that offences involving corruption, abuse of official position, or moral turpitude cannot be quashed merely on the ground of settlement. Further, perusal of the records goes to show that no written compromise has been entered between the parties and further, in an identically situated case, the petition i.e. CRMP No. 2719 of 2025 preferred by co-accused, namely, Majhar Khan @ Mohammad Majhar has already been dismissed by this Court vide order dated 01.09.2025.
- 13) In view of the foregoing, this Court is of the considered opinion that no case is made out for quashing the FIR at this stage.

Accordingly, the compromise application, i.e., I.A. No. 2 of 2025 filed by respondent No. 2 under Section 359(2)(8) of the BNSS, is hereby rejected, and the petition is **dismissed**.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet