



CGHC010280482026



2026:CGHC:32167-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1923 of 2026**

Narendra Nayan Shashtri @ Narendra Sharma S/o Omkar Prasad Sharma, Aged About 38 Years R/o Near Durga Mandir, Silyari, Dharsiva, Distt. Raipur (C.G.)

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

1. State of Chhattisgarh Through Station House Officer, Police Station Khamhardih, District Raipur (C.G.)
2. Dr. Rishabh Coubey S/o Shri Uday Choubey, Flat No. 1534, Gour Sondarya Society, Gilisar Terpy, Distt. Ghaziabad (U.P.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. T.K. Jha, Senior Advocate, assisted by Mr. Anuroop Panda, Advocate.
For Respondent/State	:	Mr. Jitendra Shrivastava, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****28.07.2026**

1. Heard Mr. T.K. Jha, learned Senior Advocate, assisted by Mr. Anuroop Panda, learned counsel for the petitioner. Also heard Mr.

Jitendra Shrivastava, learned Government Advocate, appearing for the State/respondent No. 1.

2. Although the present petition was listed today for admission, with the consent of the learned counsel appearing for the respective parties, it was taken up for final hearing and is being finally disposed of at the admission stage itself.

3. The present petition has been filed by the petitioner with the following prayer:

“It is most respectfully prayed that this Hon’ble Court may kindly be pleased to quash the impugned First Information Report bearing Crime No. 0219 of 2026 dated 04.07.2026, registered at Police Station Khamhardih, Distt. Raipur (C.G.), for offence punishable under Section 318 (4) of BNS 2023, and all consequential proceedings arising therefrom, against the petitioner, in the interest of justice.”

4. Learned Senior Advocate for the petitioner submits that the prosecution case, as disclosed in the impugned FIR, is that respondent No. 2/complainant, a medical practitioner residing at Ghaziabad, Uttar Pradesh, suffered the unfortunate demise of his younger brother in a road accident on 11.08.2024. It is alleged that since the exact cause of death could not be ascertained from the postmortem report, the complainant was introduced by one Dr. Devendra Verma, a resident of Shikarpur, Uttar Pradesh, to the present petitioner, who is alleged to be

a spiritual practitioner. He further submits that the prosecution alleges that on 06.10.2024, the complainant, accompanied by his father, visited the petitioner at Raipur, where the petitioner allegedly represented that he possessed divine and spiritual powers capable of removing family difficulties through the performance of religious rituals (Pooja). It is alleged that during the very first meeting, the complainant voluntarily paid an amount of Rs. 51,000/- in cash towards the performance of such rituals and was thereafter advised to immerse certain ritual articles in a river with an assurance that his problems would be resolved. According to the prosecution, the complainant thereafter remained in continuous contact with the petitioner and, acting upon his instructions, travelled to Raipur, Noida, Indore and several other places on more than thirty occasions for participating in various religious ceremonies. It is further alleged that the complainant incurred substantial expenditure towards travel, accommodation and other logistical arrangements for the petitioner and his associates.

5. Learned Senior Advocate further contended that the prosecution further alleges that on 26.10.2024, the complainant again met the petitioner at Noida, where he was allegedly informed that additional religious rituals were required and was induced to make further payments. Thereafter, on 19.05.2025, the complainant was allegedly called to Noida and subsequently taken to Raipur, where the petitioner is stated to have demanded a further sum of Rs. 51,000/- and thereafter an additional amount of Rs. 21,000/- for conducting further rituals. It is further alleged that on 24.05.2025, the complainant transferred a sum of

Rs. 2,10,000/- through online banking to a bank account allegedly specified by the petitioner; on 26.05.2025, another sum of Rs.14,89,000/- was transferred; on 13.07.2025, a further amount of Rs.8,00,000/- was transferred; and, apart from these transactions, an additional amount of Rs. 2,00,000/- was also paid through bank transfer, taking the total amount allegedly paid by the complainant to approximately Rs. 25,10,000/-. He also contended that the prosecution alleges that on 24.06.2025, the petitioner informed the complainant that a major religious ritual would be performed at Indore and requested him to attend the ceremony along with his family, pursuant to which the complainant allegedly incurred further expenditure of about Rs. 25,000/- towards travel and related arrangements. It is alleged that despite repeated assurances, the expected results did not materialise and the petitioner neither refunded the amounts allegedly received nor fulfilled his assurances. According to the prosecution, whenever the complainant requested either completion of the rituals or refund of the money, the petitioner allegedly avoided his calls and subsequently demanded an additional amount of Rs. 51,000/-, allegedly threatening adverse consequences to the complainant and his family in the event of non-payment. On the basis of these allegations, the complainant claims to have suffered wrongful loss of approximately Rs. 25,10,000/-, apart from incidental expenses, and consequently lodged the present complaint, pursuant to which FIR No. 0219/2026 dated 04.07.2026 came to be registered at Police Station Khamhardih, District Raipur, for the offence punishable under Section 318(4) of the BNS.

6. Learned Senior Advocate further stated that the petitioner categorically denies each and every allegation levelled in the impugned FIR. It is submitted that the petitioner neither induced nor deceived the complainant at any point of time. According to the petitioner, the complainant had voluntarily approached him seeking spiritual guidance, and any offerings, donations or monetary contributions, if made, were entirely voluntary and without any inducement, coercion or misrepresentation on the part of the petitioner. It is further submitted that the allegations contained in the FIR are false, baseless and have been levelled with an ulterior motive to harass, malign and pressurize the petitioner by giving a criminal colour to what was otherwise a voluntary interaction between the parties. He also stated that another FIR bearing Crime No. 107/2026 has also been registered against the petitioner at Police Station Bagbahara, District Mahasamund, after an unexplained delay of about three years. It is submitted that the petitioner has reason to believe that the present FIR has also been registered under political influence with an oblique motive to harass and malign him. According to the petitioner, he has committed no offence whatsoever and the present prosecution is nothing but an abuse of the process of law.

7. Learned Senior Advocate further submits that the prosecution case suffers from an extraordinary and wholly unexplained delay. Even according to the allegations contained in the FIR, the first alleged act of inducement took place on 06.10.2024, whereas the FIR came to be registered only on 04.07.2026, after nearly twenty-one months, without

disclosing any plausible explanation for such inordinate delay. During this entire period, the complainant admittedly continued to remain in contact with the petitioner, voluntarily met him on several occasions and allegedly made further payments by way of donations. It is submitted that such unexplained delay seriously undermines the credibility of the prosecution case and clearly indicates that the criminal proceedings are an afterthought.

8. Learned Senior Advocate lastly submits that the complainant is a qualified medical practitioner holding the degree of Bachelor of Medicine and Bachelor of Surgery (MBBS). It is contended that the prosecution seeks to portray that a highly educated medical professional blindly believed every alleged representation attributed to the petitioner, travelled across different States on numerous occasions over an extended period and voluntarily made substantial monetary payments despite having ample opportunity to assess the situation independently. According to the petitioner, these admitted circumstances themselves render the prosecution story inherently improbable and cast serious doubt on the essential ingredients of the offence alleged in the impugned FIR.

9. Per contra, learned State counsel opposes the petition and submits that the allegations contained in the impugned FIR disclose the commission of a cognizable offence under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. It is contended that the complainant has specifically alleged that the petitioner, by representing himself to be

a person possessing divine and supernatural powers, induced him to part with substantial amounts of money on the assurance that religious rituals would remove the difficulties faced by his family. Learned State counsel submits that acting upon such representations, the complainant allegedly paid various amounts from time to time, aggregating approximately Rs.25,10,000/-, besides incurring substantial expenditure towards travel and other arrangements. It is further submitted that the investigation is at a nascent stage and the truthfulness of the allegations, the nature of the transactions, the role played by the petitioner and the defence sought to be raised by him are all matters requiring thorough investigation. It is therefore submitted that the present petition is premature and deserves to be dismissed.

10. We have considered the rival submissions and perused the material available on record.

11. A perusal of the impugned FIR reveals that the complainant has alleged that after the unfortunate death of his younger brother in a road accident, he was introduced to the present petitioner, who allegedly claimed to possess divine and spiritual powers capable of removing family difficulties through the performance of religious rituals. The complainant has alleged that believing such representations, he initially paid Rs.51,000/- and thereafter continued to make further payments from time to time, both in cash and through online banking transactions, aggregating approximately Rs.25,10,000/-, besides incurring substantial expenditure towards travel and other logistical arrangements while

attending various religious ceremonies allegedly organised at the instance of the petitioner. According to the complainant, despite repeated assurances, the promised results were never achieved, the petitioner neither refunded the amounts allegedly received nor fulfilled his assurances and instead allegedly demanded further amounts while extending threats of adverse consequences. On these allegations, the impugned FIR came to be registered against the petitioner under Section 318(4) of the BNS. The investigation is presently in progress.

12. The legal position governing the exercise of inherent jurisdiction under Section 528 of the BNSS is well settled. The jurisdiction to quash an FIR is extraordinary in nature and is required to be exercised sparingly, with great circumspection and only in exceptional cases. Ordinarily, the High Court should not interfere with the investigation of cognizable offences. However, where the allegations contained in the FIR, even if taken at their face value and accepted in their entirety, do not prima facie disclose the commission of any offence or continuation of the criminal proceedings would amount to abuse of the process of law, the Court would be justified in exercising its inherent jurisdiction.

13. The Hon'ble Supreme Court in the matters of ***Rupan Deol Bajaj v. K.P.S. Gill*** reported in ***(1995) SCC (Cri) 1059***, ***Rajesh Bajaj v. State of NCT of Delhi*** reported in ***(1999) 3 SCC 259*** and ***Medchl Chemicals & Pharma (P) Ltd. v. Biological E Ltd. & Ors***, reported in ***2000 SCC (Cri) 615***, the Hon'ble Supreme Court clearly held that if a prima facie case is made out disclosing the ingredients of the offence, Court should

not quash the complaint. However, it was held that if the allegations do not constitute any offence as alleged and appear to be patently absurd and improbable, Court should not hesitate to quash the complaint. The note of caution was reiterated that while considering such petitions the Courts should be very circumspect, conscious and careful. Thus, there is no controversy about the legal proposition that in case a prima facie case is made out, the FIR or the proceedings in consequence thereof cannot be quashed.

14. In *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, reported in **2021 SCC OnLine SC 315** the Hon'ble Supreme Court authoritatively held that while exercising inherent jurisdiction under Section 482 of the Code of Criminal Procedure (now Section 528 of the BNSS), the High Court cannot embark upon an enquiry into the reliability or genuineness of the allegations, appreciate the evidence or conduct a mini trial. The Court is only required to examine whether the allegations contained in the FIR, taken at their face value, disclose the commission of a cognizable offence. The Supreme Court further observed that investigation into cognizable offences should ordinarily be permitted to proceed unhindered and criminal proceedings should not be scuttled at the threshold except in exceptional circumstances.

15. Recently, in *Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another* (**Criminal Appeal No.3831 of 2025, decided on 02.09.2025**), the Hon'ble Supreme Court reiterated the aforesaid principles and held that while exercising jurisdiction under Section 528

of the BNSS, the High Court cannot adjudicate disputed questions of fact or evaluate the evidentiary value of the material collected during investigation. It was further held that criminal proceedings can be quashed only where the material relied upon by the accused is of sterling and impeccable quality, completely demolishes the prosecution case and continuation of the prosecution would amount to abuse of the process of law.

16. Applying the aforesaid settled principles to the facts of the present case, this Court finds that the principal contention of the petitioner is that the complainant had voluntarily approached him seeking spiritual guidance and that any offerings, donations or monetary contributions allegedly made by the complainant were entirely voluntary and without any inducement, coercion or deception on the part of the petitioner. It has further been contended that the allegations are false, politically motivated and have been levelled only with a view to harass and malign the petitioner. Learned Senior Advocate has also emphasized the delay of nearly 21 months in lodging the FIR and submitted that the complainant, despite being a qualified medical practitioner, continued to remain in contact with the petitioner, voluntarily visited him at different places and allegedly made payments on several occasions of his own volition. However, all these submissions constitute the defence of the petitioner. Whether the complainant was dishonestly induced to part with the amounts in question, whether the payments were voluntary donations or were obtained by deception, whether the petitioner made the alleged representations and whether the essential ingredients of the

offence punishable under Section 318(4) of the BNS are ultimately established, are all disputed questions of fact which necessarily require a detailed investigation and, if required, appreciation of evidence during trial. Such disputed issues cannot be adjudicated while exercising the inherent jurisdiction of this Court under Section 528 of the BNSS.

17. At this stage, this Court is only required to examine whether the allegations contained in the impugned FIR, if accepted at their face value and taken to be true in their entirety, prima facie disclose the commission of a cognizable offence. A perusal of the FIR shows that the complainant has specifically alleged that the petitioner represented himself to possess divine and spiritual powers, induced the complainant to part with substantial amounts of money for the performance of religious rituals, repeatedly demanded further amounts on different occasions and, despite receiving the alleged payments, neither fulfilled the assurances extended nor refunded the money allegedly received. It has also been alleged that when the complainant demanded return of the money, the petitioner avoided him and thereafter demanded further payment while extending threats of adverse consequences. Whether these allegations are ultimately proved or not is a matter of evidence. At this stage, this Court cannot embark upon an enquiry into the truthfulness or otherwise of these allegations.

18. The contention of the petitioner that the payments were voluntary donations, that the complainant approached him on his own for spiritual guidance, that the prosecution has been instituted under political

influence and that the FIR suffers from unexplained delay are all matters which require factual adjudication. Acceptance of these submissions at this preliminary stage would necessarily require this Court to appreciate the evidentiary value of the material collected during investigation and record findings on disputed questions of fact, which is clearly beyond the permissible scope of jurisdiction under Section 528 of the BNSS. It is well settled that the inherent jurisdiction of this Court cannot be exercised to stifle a legitimate investigation merely because the accused disputes the allegations levelled against him.

19. Having regard to the nature of the allegations contained in the impugned FIR and the material presently available on record, this Court is of the considered opinion that the allegations cannot, at this stage, be said to be so absurd, inherently improbable or wholly improbable that no prudent person could ever reach a conclusion that a cognizable offence is disclosed. The case also does not fall within any of the exceptional categories illustratively carved out by the Hon'ble Supreme Court in ***Neeharika*** (supra) and ***Pradeep Kumar Kesharwani*** (supra), warranting exercise of the extraordinary inherent jurisdiction of this Court under Section 528 of the BNSS. On the contrary, the issues sought to be raised by the petitioner involve disputed questions of fact, which can only be examined after completion of investigation and, if necessary, during trial.

20. In view of the foregoing discussion, this Court is of the considered opinion that the allegations contained in the impugned FIR, taken at

their face value, prima facie disclose the commission of a cognizable offence and, therefore, no case for exercise of the inherent jurisdiction of this Court under Section 528 of the BNSS is made out. Consequently, the petition, being devoid of merit, deserves to be and is accordingly **dismissed**.

21. It is, however, made clear that the observations made hereinabove are confined solely to the adjudication of the present petition under Section 528 of the BNSS and shall not be construed as an expression of opinion on the merits of the case. The Investigating Agency shall proceed with the investigation strictly in accordance with law, independently and uninfluenced by any observation made in this order.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**