



CGHC010001452026



2026:CGHC:31427-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 100 of 2026

1 - Monali Baghmare D/o Chandrashekhar Baghmare, Aged About 26 Years R/o Village Dhamgaon Railway, Police Station Dhamgaon Railway, District Amrawati (Maharashtra) At Present R/o Amlideeh Near Water Tank, Dilip Rent Home, Police Station New Rajendra Nagar, District Raipur C.G.

2 - Prashant Sanodiya S/o Ghanshyam Kumar Sanodiya Aged About 24 Years R/o Village Gobarbeli, Police Station Lakhanwada, District Seoni (M.P.) At Present R/o Amlideeh Near Water Tank, Police Station New Rajendra Nagar, District Raipur C.G.

3 - Hirdesh Tomar S/o Shri Munna Singh, Aged About 27 Years R/o C-2/22, Windsar Hills City Center Sirol Road, Police Station Sirol, District Gwalior (M.P.) At Present R/o A-214, Gali No. 07, Budari, Police Station Swaroop Nagar, District North Delhi.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, Raipur, District Raipur C.G.

2 - Virendra Baghel S/o Juthel Ram Baghel, Aged About 22 Years R/o Village Medhki, Police Station Nawagarh, District Bemetara C.G. At Present R/o Near Heritage Hospital, Kachna, Police Station Khamhardih, Raipur, District Raipur C.G.

... Respondent(s)

(Cause-title taken from Cause Information System)

For Petitioner(s) : Mr. Gurudev I. Sharan, Advocate.

For State/Respondent No. 1 : Mr. S. S. Baghel, Govt. Advocate.

For Respondent No. 2 : Mr. S. P. Sannat, Advocate.



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

Per Ramesh Sinha, Chief Justice

23/07/2026

1. Heard Mr. Gurudev I. Sharan, learned counsel for the petitioners. Also heard Mr. S. S. Baghel, learned Govt. Advocate, for the State/Respondent No.1, Mr. S. P. Sannat, learned counsel for the Respondent No. 2.
2. The petitioners have filed the present petition with the following prayer:

"A). For quashing of FIRST INFORMATION REPORT lodged by Complainant/respondent No.2 i.e. Virendra Baghel dated 20/09/2025 vide its Crime No. 225/2025 registered at police station : New Rajendra Nagar, District: Raipur (C.G.) for the alleged offence punishable under section 318(4) and 3 (5) of BNS, 2023.

B) For quashing of FINAL REPORT/CHARGE SHEET No. 133/2025 for the alleged offence punishable under section 318(4) & 3(5) of BNS, 2023 which is prepared on 22/10/2025 and submitted before the court of learned Judicial Magistrate First Class, Raipur, District: Raipur (C.G.) on 17/11/2025.

C) For quashing of CRIMINAL PROCEEDINGS vide its Cr. case No. 43082/2025 initiated by the court of learned Judicial Magistrate First Class, Raipur, District: Raipur (C.G.) vide its order dated 17/11/2025 whereby the police of police station New Rajendra Nagar, District Raipur has submitted the charge sheet in the crime No. 225/2025 registered at police station New Rajendra Nagar Raipur, for the alleged offence punishable under section 318(4) & 3(5) of BNS 2023.

D) For quashing of order dated 17/11/2025,



whereby the court of learned JMFC, Raipur, has taken cognizance against the petitioners in the crime No.225/2025 registered at police station New Rajendra Nagar, Raipur, District Raipur for the alleged offence punishable under section 318(4) & 3(5) of BNS 2023 in furtherance of FIR dated 20/09/2025 lodged by respondent No.2/complainant Virendra Baghel and fixed the case for framing of charge on 13/02/2026."

3. The present petition arises out of FIR registered at Police Station New Rajendra Nagar, District Raipur, on the basis of a written complaint lodged by Respondent No. 2, Virendra Baghel, alleging commission of offences by the petitioners in connection with the business activities of RIL (Resolve Improve Life) India Marketing Private Limited/WEICONIC Private Limited. It is alleged that the petitioners induced the complainant and his associates to deposit a total sum of Rs.1,02,480/- on the assurance of appointment as Salesmen/Agents with a monthly salary of Rs.22,000/- along with food and accommodation facilities. According to the complainant, after depositing the amount for purchase of company products, the promised benefits were not provided, giving rise to an allegation of cheating. Following investigation, the police filed a charge-sheet, cognizance has been taken by the learned JMFC, Raipur, and the case is presently pending at the stage of consideration of charge. Aggrieved by the registration of the FIR, filing of the charge-sheet, and continuation of the criminal proceedings, the petitioners have preferred the present petition seeking quashment of the same.

4. Learned counsel for the petitioners submits that the impugned FIR and the consequential criminal proceedings are wholly arbitrary and amount to an abuse of the process of law. It is contended that on the very same complaint submitted by the complainant on 18.09.2025, the police, after examining the



allegations, treated the matter as a non-cognizable case and recorded proceedings under Section 155 of the Cr.P.C. (corresponding to Section 174 of the BNSS), advising the complainant to avail the appropriate remedy before the competent Court. However, within two days and without any fresh material or change in circumstances, the police registered the impugned FIR on 20.09.2025 treating the very same allegations as constituting a cognizable offence. Learned counsel further submits that the complainant and the other persons had voluntarily joined the company as Independent Business Owners after executing Direct Seller Agreements on stamp paper, which clearly set out the terms and conditions of the business relationship. The agreements do not contain any stipulation regarding payment of a monthly salary or provision of food and accommodation, as alleged in the complaint. It is also submitted that the company is duly incorporated under the Companies Act, the products were supplied against valid tax invoices bearing GST details, and identity cards were issued to the complainant and others through the company's official application.

5. It is further submitted that the allegations, even if accepted at their face value, do not disclose the essential ingredients of the offence of cheating, as there was no dishonest or fraudulent intention on the part of the petitioners at the inception of the transaction. The dispute, if any, arises out of a contractual and commercial arrangement between the parties and is purely civil in nature, for which the complainant has resorted to criminal proceedings with an oblique motive. Learned counsel submits that the petitioners have cooperated with the investigation and have already been granted regular bail and anticipatory bail by the competent Court. In such circumstances, continuation of the criminal proceedings would amount to an abuse of the process of law,



and therefore, the impugned FIR, charge-sheet, and all consequential proceedings deserve to be quashed by this Court.

6. Learned State counsel opposes the petition and submits that the impugned FIR has been registered on the basis of a written complaint disclosing the commission of cognizable offences. It is submitted that during the course of investigation, the Investigating Officer collected material, recorded the statements of the witnesses, and upon finding sufficient prima facie evidence, filed the charge-sheet before the competent Court. The learned trial Court has also taken cognizance of the offences, and the matter is presently pending at the stage of consideration of charge. It is contended that the existence of a contractual relationship between the parties or the registration of the company does not, by itself, absolve the petitioners of criminal liability if the allegations disclose the ingredients of the alleged offences.

7. It is further submitted that the contentions raised by the petitioners, including the effect of the Direct Seller Agreements, the nature of the transactions, and the plea that the dispute is civil in nature, involve disputed questions of fact which require appreciation of evidence and cannot be adjudicated in proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned State counsel submits that at this stage, the Court is only required to examine whether the allegations in the FIR and the material collected during investigation disclose a prima facie case. Since the charge-sheet has already been filed on the basis of sufficient material, no case is made out for exercising the extraordinary jurisdiction to quash the criminal proceedings. Accordingly, it is prayed that the present petition be dismissed.



8. We have heard learned counsel for the parties and perused the documents annexed with this petition.

9. The Supreme Court in the matter of **State of Haryana and others v. Bhajan Lal and others, 1992 Supp (1) SCC 335** laid down the principles of law relating to the exercise of extraordinary power under Article 226 of the Constitution of India to quash the first information report and it has been held that such power can be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice.

10. The Hon'ble Supreme Court in the matter of **Manoj Kumar Sharma and others v. State of Chhattisgarh and others, (2016) 9 SCC 1** held as under:-

“35. While discussing the scope and ambit of Section 482 of the Code, a similar view has been taken by a Division Bench of this Court in *Rajiv Thapar and others vs. Madan Kal Kapoor* (2013) 3 SCC 330 wherein it was held as under:-

“29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 CrPC, if it chooses to quash the initiation of the prosecution against an accused at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 CrPC, at the stages referred to hereinabove, would have far-reaching consequences inasmuch as it would negate the prosecution's/complainant's case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 CrPC the High Court has to be fully satisfied that the material produced by the accused is such that would lead to the conclusion that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such



as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 CrPC to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1 Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2 Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3 Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4 Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?



30.5 If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused.”

11. In the matter of **Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673**, the Supreme Court recognized that although the inherent powers of a High Court under Section 482 of the Code of Criminal Procedure should be exercised sparingly, yet the High Court must not hesitate in quashing such criminal proceedings which are essentially of a civil nature. It was held as under:

“12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court.”

(emphasis supplied)

12. Relying upon the decision in **Paramjeet Batra** (supra), the Supreme Court in **Randheer Singh v. State of U.P., (2021) 18 SCC 626**, observed that criminal proceedings cannot be taken recourse to as a weapon of



harassment. In **Usha Chakraborty & Anr. v. State of West Bengal & Anr.**, **2023 SCC OnLine SC 90**, relying upon **Paramjeet Batra** (supra) it was again held that where a dispute which is essentially of a civil nature, is given a cloak of a criminal offence, then such disputes can be quashed, by exercising the inherent powers under Section 482 of the Code of Criminal Procedure.

13. Having considered the rival submissions and upon perusal of the material available on record, this Court finds that the undisputed documents placed by the petitioners clearly indicate that the complainant and the other persons had voluntarily joined the business of RIL (Resolve Improve Life) India Marketing Private Limited/WEICONIC Private Limited as Independent Business Owners by executing Direct Seller Agreements on stamp paper. The said agreements specifically govern the rights and obligations of the parties and do not contain any stipulation regarding payment of a monthly salary of Rs.22,000/- or provision of food and accommodation, as alleged in the FIR. It is also not in dispute that the company is duly incorporated under the Companies Act, the complainant and the other purchasers were issued invoices bearing GST details in respect of the products purchased by them, and identity cards were also issued through the official application of the company. These documents are of sterling and impeccable quality and have not been shown to be fabricated or inherently unreliable.

14. This Court further finds that the allegations made in the FIR essentially arise out of a commercial and contractual relationship between the parties. The complainant admittedly purchased the company's products after executing the Direct Seller Agreement. The grievance projected by the complainant relates to the alleged non-fulfilment of the promises regarding remuneration and other facilities. However, the material placed on record



does not prima facie indicate that the petitioners had any fraudulent or dishonest intention at the inception of the transaction, which is the sine qua non for constituting the offence of cheating under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. Mere non-fulfilment of a promise or breach of contractual terms, in the absence of fraudulent intention from the very inception, cannot by itself attract criminal liability.

15. Another circumstance which cannot be ignored is that on the same complaint submitted by the complainant on 18.09.2025, the police initially recorded proceedings under Section 155 of the Code of Criminal Procedure, 1973 (corresponding to Section 174 of the BNSS), treating the matter as a non-cognizable dispute and advising the complainant to seek appropriate remedy before the competent Court. However, within two days, on the very same allegations and without any fresh material being brought on record, the impugned FIR came to be registered treating the matter as a cognizable offence. The record does not disclose any tangible material explaining such a change in the nature of the proceedings. This circumstance lends support to the contention of the petitioners that the dispute primarily arises out of a business arrangement and has been given a criminal colour.

16. Applying the principles laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal*** (supra), ***Manoj Kumar Sharma*** (supra), ***Paramjeet Batra*** (supra), ***Randheer Singh*** (supra) and ***Usha Chakraborty*** (supra), this Court is of the considered view that the present case is essentially founded upon a contractual/business transaction and continuation of the criminal prosecution would amount to permitting the criminal process to be used for enforcement of civil rights. The material relied upon by the petitioners sufficiently displaces the allegations made in the complaint and



demonstrates that the essential ingredients of the alleged offence are not made out. Permitting the prosecution to continue in such circumstances would amount to an abuse of the process of the Court.

17. Consequently, the present petition deserves to be and is hereby allowed. The First Information Report dated 20.09.2025 registered as Crime No.225/2025 at Police Station New Rajendra Nagar, District Raipur, for the offences punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the consequential Charge-sheet No.133/2025, the order dated 17.11.2025 taking cognizance, as well as all further proceedings in Criminal Case No.43082/2025 pending before the Court of the learned Judicial Magistrate First Class, Raipur, are hereby **quashed**.

18. The petition stands **allowed**. All pending applications, if any, stand disposed of. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Alok