



CGHC010230782026

2026:CGHC:37539-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1560 of 2026

1 - Shri Pranab Kalita S/o Shri Baneswar Kalita Aged About 35 Years R/o Village Kendukona, P.O. Kendukona, P.S. Kamalpur, District Kamrup, Assam, Pin- 781380

2 - Shri Lakshyadhar Rajbongshi S/o Shri Bishnuram Rajbongshi Aged About 41 Years R/o Village Barkuriha, P.O. Titkuri, P.S. Kamalpur, District Kamrup, Assam, Pin- 781354

... Petitioner(s)

versus

1 - State of Chhattisgarh Through The Station House Officer, Civil Lines Police Station, Raipur, District Raipur, Chhattisgarh

2 - Hitesh Solanki S/o Dwarika Prasad Solanki Aged About 36 Years R/o Durga Chowk, Raja Talab, Raipur, Under Civil Lines Police Station, Raipur, Chhattisgarh

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	:	Mr. P. N. Goswami, Senior Advocate, assisted by Mr. Aayush Bhatia, Advocate (through virtual mode).
For State/respondent No. 1	:	Mr. Manoj Goel, Senior Advocate (through virtual mode) assisted by Mr. Amit Buxy, Deputy Government Advocate.
For Respondent No. 2	:	Mr. R. K. Gupta, Advocate.

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

Order on Board

Per Ramesh Sinha, Chief Justice

21/08/2026

1. Heard Mr. P. N. Goswami, learned Senior Advocate, assisted by Mr. Aayush Bhatia, learned counsel for the petitioners, appearing through virtual mode. Also heard Mr. Manoj Goel, learned Senior Advocate, appearing through virtual mode, assisted by Mr. Amit Buxy, learned Deputy Government Advocate, for the State/respondent No. 1, and Mr. R. K. Gupta, learned counsel for respondent No. 2.

2. The present petition has been filed by the petitioners seeking following relief(s):

“a) Call for the entire record relating to F.I.R. No. 232/2026 dated 19.04.2026 registered at Civil Lines Police Station, Raipur, for the just and proper decision of the case and;

b) Quash and set aside F.I.R. No. 232/2026 dated 19.04.2026 registered at Civil Lines Police Station, Raipur, District Raipur, Chhattisgarh, under Sections 352, 353(1) and 353(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66 of the Information Technology Act, 2000 (Annexure P/1 hereto), insofar as it relates to the Petitioners, together with all consequential proceedings, and investigative steps emanating processes therefrom and;

c) Direct that, pending final disposal of the present Petition, no coercive action including arrest shall be taken against the Petitioners pursuant to the said F.I.R. No. 232/2026 dated 19.04.2026 registered at Civil Lines Police Station, Raipur, District Raipur, Chhattisgarh and;

d) Grant any other relief as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

3. The brief facts of the case are that the present petition has been filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of F.I.R. No. 232/2026 dated 19.04.2026 registered at Civil Lines Police Station, Raipur, District Raipur (C.G.), for the offences punishable under Sections 352, 353(1) and 353(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66 of the Information Technology Act, 2000. The allegation against the petitioners is that they shared on their respective Facebook accounts a cartoon-style post originally uploaded by co-accused Shri Ankur Ali on 15.04.2026, allegedly concerning the Hon'ble Governor of Chhattisgarh, along with a brief Assamese-language caption. The petitioners contend that they neither created nor authored the said cartoon and merely re-shared the publicly available post along with a brief political comment, which, according to them, constitutes protected freedom of speech and expression under Article 19(1)(a) of the Constitution of India. During investigation, notices dated 20.05.2026 were issued to the petitioners under Section 179 of the BNSS, pursuant to which they sought further time to appear before the Investigating Officer. Apprehending coercive action, the petitioners approached the Hon'ble Gauhati High Court in A.B. Nos. 1221/2026 and 1222/2026, wherein interim protection was granted by orders dated 09.06.2026 for a period of 30 days to enable them to approach the competent Court. The petitioners have, therefore, approached this Court seeking quashing of the impugned F.I.R. and all consequential proceedings on the ground that the allegations, even if taken at their face value, do not constitute the offences alleged against them and that continuation of the criminal proceedings would amount to an abuse of the process of law.

4. Initially, the petitioners have filed the present petition for quashing of the FIR with all consequential proceedings, process and investigative steps emanating therefrom. During the pendency of the petition, the investigation

has been completed, and the charge-sheet has been filed on 13.08.2026 before the learned Chief Judicial Magistrate, Raipur, and a copy of the charge-sheet has been filed by the respondent-state along with the covering memo dated 14.08.2026.

5. After the filing of the charge-sheet, the petitioner has filed an application on 18.08.2026 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking leave to amend the petition by which they sought challenge of the charge-sheet No. 345/2026, filed before the learned Chief Judicial Magistrate, Raipur and wanted to carry out necessary amendment in the petition to that effect. The petitioners have also filed the copy of the charge-sheet in the petition on 18.08.2026 along with the covering memo.

6. During the hearing of the case, learned Senior Advocate appearing for the petitioners would submit that the petitioners are willing to tender their unconditional apology and also willing to remove the objectionable post from Facebook and take steps for withdrawal/closure of the counter-case lodged in Assam.

7. Learned Senior Advocate, appearing for the State/respondent No.1 submits that, pursuant to the willingness expressed by the petitioners before this Hon'ble Court on 19.08.2026 to tender an unconditional apology, remove the objectionable post from Facebook and take steps for withdrawal/closure of the counter-case lodged in Assam, and file their affidavits to that effect on 20.08.2026, the State Government has no objection to the matter being settled as the petitioners have already tendered their unconditional written apology before this Hon'ble Court, acknowledging the prejudice caused to the dignity of the office of the Hon'ble Governor, undertaking not to repeat such conduct in future, publishing a clear and unconditional apology on the same Facebook account with the same prominence as the original post,

permanently removing the objectionable post from all digital/social media platforms under their control, and taking appropriate steps for withdrawal/closure of the counter FIR lodged in Assam. Learned Senior Advocate therefore submits that the aforesaid communication of the State Government and the affidavits submitted by the petitioners may kindly be taken on record and the matter may be considered in terms thereof, subject to due compliance by the petitioners with the stipulated conditions.

8. We have heard learned Senior Advocates appearing for the respective parties and gone through the pleadings, documents and the apology tendered by the petitioners in their affidavits dated 20.08.2026.

9. On 17.08.2026, the office of Hon'ble Governor proposed certain conditions under which they were agreed to settle the dispute. On 19.08.2026, when the matter was taken up for hearing, learned counsel appearing for the petitioners submitted that the petitioners are willing to submit their unconditional apology, remove the objectionable post from Facebook and take steps for withdrawal/closure of the counter-case lodged in Assam. The State Government, vide General Administration Department Letter No. LAW-42015/6131/2026-GAD-1 dated 18.08.2026, has conveyed its consent for settlement of the dispute between the parties, subject to acceptance of the terms and conditions suggested by the Secretariat of the Hon'ble Governor (Lok Bhavan) vide Letter No. 3304/OSD/LB/2026 dated 17.08.2026. It is necessary to quote the conditions subject to which the respondents are willing to settle the dispute between the parties, which are as under:-

“1. माननीय न्यायालय के समक्ष बिना शर्त क्षमायाचना: याचिकाकर्ता को माननीय न्यायालय के समक्ष एक बिना शर्त लिखित माफीनामा प्रस्तुत करना होगा, जिसमें उक्त प्रकाशन/पुनर्प्रकाशन (republication) के माध्यम से माननीय राज्यपाल, छत्तीसगढ़ राज्य के पद एवं गरिमा को पहुंची गंभीर क्षति व पूर्वाग्रह को स्वीकार किया जाएगा। साथ ही, याचिकाकर्ता यह वचन पत्र (undertaking) भी प्रस्तुत करेगा कि वह भविष्य

में भी इस प्रकार के आचरण की पुनरावृत्ति नहीं करेगा।

2. फेसबुक अकाउंट पर सार्वजनिक क्षमायाचना : याचिकाकर्ता अपने उसी फेसबुक अकाउंट पर स्पष्ट रूप से दृश्यमान (clear visible) बिना शर्त माफीनामा पोस्ट करेगा, ताकि वह उसी दर्शक वर्ग (audience) तक पहुंचे, जिन्होंने विवादित पोस्ट देखी थी।

3. समान प्रमुखता (prominence): यह क्षमायाचना पोस्ट उसी प्रमुखता और प्रारूप में प्रदर्शित की जाएगी, जिस प्रकार मूल आपत्तिजनक पोस्ट प्रकाशित की गई थी।

4. समाचार पत्रों में प्रकाशन: यह बिना शर्त क्षमायाचना गुवाहाटी से प्रकाशित होने वाले दैनिक समाचार पत्रों- प्रतिदिन, आमार असम और दैनिक असम के दैनिक संस्करणों में भी प्रकाशित की जाएगी। इस क्षमायाचना का प्रारूप, शब्दावली और प्रमुखता दोनों पक्षों की आपसी सहमति से निर्धारित की जाएगी।

5. आपत्तिजनक सामग्री को स्थायी रूप से हटाना: याचिकाकर्ता के नियंत्रण वाले फेसबुक एवं अन्य सभी डिजिटल / सोशल मीडिया प्लेटफॉर्म से विवादित पोस्ट/री-पोस्ट को स्थायी रूप से हटा दिया जाएगा। याचिकाकर्ता यह वचन पत्र देगा कि वह भविष्य में इस विवादित सामग्री को दोबारा प्रकाशित, री-पोस्ट, प्रसारित या प्रचारित नहीं करेगा।

6. असम में दर्ज प्रतिशोधात्मक (counterblast) प्राथमिकी की वापसी / समाप्ति : याचिकाकर्ता यह वचन पत्र भी प्रस्तुत करेगा कि उसकी पत्नी द्वारा असम में दर्ज कराई गई प्रतिशोधात्मक प्राथमिकी (counterblast FIR) को विधिवत वापस लिया जाएगा अथवा समाप्त (closure) कराया जाएगा।"

10. In furtherance of resolving the dispute amicably, the petitioners have tendered their unconditional apology through their additional affidavit filed on behalf of the petitioners and have undertaken to comply with the terms of settlement proposed by the respondents. The said apology and undertaking have been duly supported by their respective affidavits dated 20.08.2026 filed before this Court. It would be appropriate and relevant to quote the unconditional apology and undertaking tendered by the petitioners, which read as under:-

"MOST RESPECTFULLY SHEWETH:

1. That the the aforesaid CR.M.P. 1560 of 2026 has been filed assailing an F.I.R. No. 232/2026 registered before Raipur Police Station, Civil Lines as well as Chargesheet No. 345/2026 filed in the said Police Station case on 11.08.2026. As desired by this

Hon'ble Court, the Petitioners have decided to depose the following, for the ends of justice:

"That the Petitioners tender sincere apology to his Excellency, The Governor of Chhattisgarh and hereby undertake to delete all Facebook posts, which are the subject matter of the F.I.R. and also undertake not to repeat the same. It is the further undertaking of the Petitioners that the F.I.R. lodged by the wife of the Petitioner No. 1 against the informant of the present case being Kamalpur P.S. Case No. 59/2026 shall be withdrawn forthwith."

2. That it is respectfully submitted that this hon'ble court may be pleased to quash the FIR No. 232/2026 dated 19.04.2026 lodged before the Police Station Civil Lines, Raipur and the Consequential Chargesheet No. 345/2026 filed before the Learned Court of Chief Judicial Magistrate, Raipur (C.G.) or the Respondent Nos. 1 & 2 may be directed to withdraw the case in aforesaid FIR & the Chargesheet and for this act of kindness the petitioners shall remain ever grateful."

11. In the present case, the allegations against the petitioners essentially arise out of sharing/re-publication of a social-media post concerning the Hon'ble Governor of Chhattisgarh. The petitioners have not been alleged to have committed any act of physical violence, nor is there any allegation of any actual incident of violence directly attributable to them. The State, which initially opposed the prayer for quashing on the ground that the investigation was pending, has subsequently, upon consideration of the matter at the governmental level and in view of the willingness expressed by the petitioners to tender an unconditional apology and remove the objectionable material, expressly conveyed its consent for settlement subject to specified conditions. Respondent No. 2 has also been heard and has conveyed its consent to bring the proceedings to an end subject to compliance with the stipulated conditions. Thus, the subsequent development has materially altered the circumstances which existed when the petition was initially instituted.

12. It is also significant that the proposed settlement is not founded merely upon a private compromise between the petitioners and respondent No.2. The matter has been considered at the governmental level and the State Government itself has conveyed its consent to the settlement, subject to compliance with the conditions incorporated in its communication dated 18.08.2026. The conditions requiring an unconditional apology before this Court, publication of the apology before the same audience with due prominence, permanent removal of the objectionable material, an undertaking not to repeat such conduct and publication of the apology in newspapers are intended to address and, to the extent possible, undo the effect of the alleged publication and to safeguard the dignity of the constitutional office which was allegedly affected. In view of such subsequent development and the stand taken by the State, we are of the considered opinion that continuation of the criminal proceedings would not advance any fruitful purpose, particularly when the State itself has agreed to the settlement subject to compliance with the stipulated conditions.

13. We are conscious of the fact that the power under Section 528 of the BNSS, 2023 is extraordinary in nature and cannot be exercised merely because the accused and the complainant have entered into a compromise. However, the present case is required to be considered on its own facts and in the light of the subsequent developments placed before this Court. The allegations arise out of publication/re-publication of a social-media post; the petitioners have expressed remorse and tendered an unconditional apology, they have undertaken to permanently remove the objectionable material and not to repeat such conduct; and, most importantly, the State Government has itself expressed its consent for settlement subject to compliance with stipulated conditions. In such circumstances, insisting upon continuation of the prosecution despite the subsequent settlement would, in our considered

view, not further the cause of justice.

14. We may also profitably refer to the principles reiterated by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Laxmi Narayan***, (2019) 5 SCC 688, wherein it has been held that while exercising inherent powers in cases involving non-compoundable offences, the High Court must carefully examine the nature and gravity of the offence, its societal impact and the circumstances in which the settlement has been arrived at. Applying the aforesaid parameters to the facts of the present case, we find that the allegations, though relating to an objectionable social-media publication concerning a constitutional functionary, do not disclose any allegation of physical assault or other heinous criminal conduct. The competent State authorities themselves have considered the matter and agreed to bring the proceedings to an end subject to stringent conditions. The settlement, in the peculiar facts of the present case, therefore, cannot be said to be contrary to public interest or opposed to the administration of criminal justice.

15. In view of the aforesaid facts and circumstances, particularly the subsequent settlement with the consent of the State Government, the unconditional apology tendered by the petitioners, their undertaking to permanently remove the objectionable material and not to repeat such conduct in future, publication of the apology in the manner stipulated by the respondents, and the consequential steps proposed for withdrawal/closure of the counter-case lodged in Assam, we are of the considered opinion that continuation of the criminal proceedings against the petitioners would serve no useful purpose and would amount to an abuse of the process of law. The present case, therefore, warrants exercise of the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in order to secure the ends of justice.

16. Consequently, the F.I.R. No. 232/2026 dated 19.04.2026 registered at Police Station Civil Lines, Raipur, District Raipur, for offences punishable under Sections 352, 353(1) and 353(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66 of the Information Technology Act, 2000, and the consequential proceedings arising therefrom, including Charge-sheet No. 345/2026 dated 11.08.2026, insofar as they relate to the present petitioners, are hereby **quashed**.

17. However, the aforesaid relief shall remain subject to the petitioners' compliance with the conditions forming part of the settlement, including tendering of an unconditional apology before this Court, publication of the apology on the same Facebook account with the requisite prominence, permanent removal of the objectionable material from all digital/social-media platforms under their control, filing of an undertaking not to repeat such conduct in future and taking appropriate steps for withdrawal/closure of the counter-case lodged in Assam. The petitioners shall comply with the aforesaid conditions forthwith.

18. With the aforesaid observations and directions, the present petition stands **allowed**. All pending applications, if any, shall also stand disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Alok