

(2025) 10 CHH CK 1162
In the Chhattisgarh High Court
Case No : CRMP No. 1100 of 2022

Gendram Dhuri

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 30-10-2025

Acts Referred:

Citation : (2025) 10 CHH CK 1162

Hon'ble Judges : Ramesh Sinha, CJ; Bibhu Datta Guru, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Ramesh Sinha, CJ

1. By the present petition, the petitioner has prayed for following reliefs:

"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to allow the petition and kindly be pleased to quash the FIR No.219/2022 dated 23-04-2022 (Annexure P-1) registered at Police Station Masturi, District Bilaspur (C.G.), in the interest of justice."

2. Allegation in the FIR against the petitioners is that on 23.04.2022, the complainant was talking to Bablu Rao near Shankar Bhagwan temple in village Darrihat. Around 1:30 pm, Golu Tiwari, Bade Maharaj, Bholu Kashyap, and other associates arrived and started arguing with him over an old issue. Golu Tiwari started abusing him with filthy language and began beating him with a baseball stick. Bade Maharaj and Bholu Kashyap also started punching and kicking him. The petitioners threatened him, saying that if he went to the police, they would kill him. It is also alleged that when his elder brother, Narendra Kashyap, was returning home from work, Golu Tiwari and his associates also attacked him in village Darrihat, damaging his motorcycle (Deluxe CG10 EC 6572) and beating him with a stick. Based on above facts, present crime was registered against the petitioners.

3. Learned counsel for the petitioners would submit that, upon perusal of the report lodged by respondent No. 2, it appears that respondent No. 2 is a habitual offender involved in several criminal cases, including cases of assault and cow smuggling (Gau Taskari). Owing to his criminal background and conduct, the villagers of the said village frequently protest against his unlawful activities. The present petitioners have also opposed such activities of the complainant. Consequently, the complainant/ respondent No. 2 bears a grudge against the petitioners and has often stated that he would feel satisfied only when the petitioners are sent to custody. Therefore, the report lodged by the complainant is false and malicious

4. Learned counsel for the respondents would submit that a bare perusal of the written complaint made by the complainant reveals that the material on record discloses a cognizable offence against the present petitioners. Accordingly, the police authorities are bound to register an FIR under the relevant provisions of the IPC. In the present case, there is no circumstance indicating that, even if the complaint is taken at its face value, no offence is made out against the petitioners. On the contrary, the complaint clearly prima facie establishes the involvement of the petitioners in the alleged offence.

5. We have heard learned counsel for the parties, perused the pleadings and documents.

6. Having heard learned counsel for the parties and upon perusal of the FIR/ complaint, this Court is of the considered opinion that the allegations made in the written complaint prima facie disclose the commission of cognizable offences against the present petitioners. The petitioners started abusing the complainant in filthy language, assaulted with hands & fists and also with baseball stick. When the complainant objected, the petitioners threatened to kill him. Apart from that, the petitioners also assaulted the brother of complainant with a stick and damaged his motorcycle. The truthfulness or falsity of such allegations can be determined only after due investigation and appreciation of evidence by the competent court. In view of the settled legal position that if the complaint, on its face, discloses ingredients of the alleged offences, the proceedings ought not to be quashed, this Court finds no justification to interfere in the matter at this preliminary stage.

7. Accordingly, the petition is dismissed.