



2026:CGHC:26714-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1617 of 2026

- 1** - Mohit Kumar S/o Shri Satish Chand Aged About 38 Years R/o A-202, Dolphin Plaza Daldal Seoni Mowa, Raipur, C.G. 492014
- 2** - Abhijit Goswami S/o Late Shri Ardhendu Bikash Goswami Aged About 38 Years R/o Krishna Guest House, Room No. 106, Kota, Raipur, C.G., Presently R/o 10 D.D. Mondal Ghat Road Dakshineswar Kolkata, W.B. 700076.
- 3** - Gulrez Ali S/o Shri Gulsher Ali Aged About 43 Years R/o Sia Residency, Pachpedi Naka, Raipur, C.G., Presently R/o C-9, Kingston Old Dhamtari Road, Raipur, C.G. 492015.
- 4** - Alok Sahu S/o Shuklambar Sahu Aged About 23 Years R/o Bich Basti, Makan No. 99 Shankarpali Dabhra Distt Sakti Chhattisgarh 495692.

... Petitioners

versus

- 1** - State Of Chhattisgarh Through Its Secretary Home D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh. 492001.
- 2** - Station House Officer Anti Crime And Cyber Unit, Fafadih, Raipur, Chhattisgarh.
- 3** - The Station House Officer Police Station Mandir Hausad, Distt. Raipur, Pin 492001, Chhattisgarh.
- 4** - The Superintendent Of Police Collectorate, Kutchery Chowk, Civil Lines, Raipur 492001, Chhattisgarh.
- 5** - Mr. Ashish Yadav Inspector Of Police, Police Station Mandir Hausad, Distt. Raipur, Chhattisgarh. 492001.

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Abhishek Sinha, Senior Advocate assisted by Mr. Ghanshyam Patel, Advocate
For Respondents No.1 to 4/State	:	Mr. Priyank Rathi, Government Advocate

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

Order on Board

Per Ramesh Sinha, Chief Justice

01.07.2026

1. An application being I.A. No.03/2026 has been filed seeking amendment in the writ petition.
2. Mr. Abhishek Sinha, learned Senior Counsel, assisted by Mr. Ghanshyam Patel, learned counsel for the petitioners, submits that due to an inadvertent typographical error, the FIR number mentioned in paragraph (a) of the prayer clause has been stated as FIR No.291/2025 instead of the correct FIR No.293/2025. It is submitted that the proposed amendment is purely clerical in nature, does not alter the nature of the petition and is necessary for proper adjudication of the case.
3. Considering the submission made by learned Senior Counsel for the petitioners, the application (I.A. No.03/2026) is allowed.
4. The petitioners are permitted to carry out the necessary amendment in paragraph (a) of the prayer clause by substituting FIR No.293/2025 in place of FIR No.291/2025 during the course of the day.

5. Heard Mr. Abhishek Sinha, learned Senior Counsel assisted by Mr. Ghanshyam Patel, learned counsel for the petitioners as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents No.1 to 4.

6. The present petition has been filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') with the following relief(s):-

“a) Quash FIR No. 293/2025 dated 19.07.2025 registered at P.S. Mandir Hausad under Sections 125(b) and 3(5) of the BNS against the Petitioners,

(b) Quash the Chargesheet bearing No. 592/2025 dated 31.12.2025 for offence under section 125(2) and 3(5) of BNS before Learned JMFC Raipur.

(c) Quash the impugned order dated January 12, 2026 passed by the Id. Magistrate taking cognizance for offence under section 125 (2) and 3(5) of BNS in criminal case no. 213/2026 and Criminal Proceeding bearing Criminal Case No. 213/2026 pending before Learned JMFC Raipur and all further proceedings arising therefrom; and,

(d) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.”

7. Brief facts of the case are that Petitioner No.1 is presently employed with Flipkart India Private Limited as a Regional Manager.

Initially, Petitioner No.1 was associated with Flipkart Internet Private Limited and, with effect from 01.06.2025, came to be transferred to Flipkart India Private Limited, where he has since been overseeing the delivery operations of the Flipkart Delivery Hub. Petitioner No.2 was initially engaged with Instakart Services Private Limited from 01.09.2015 and, pursuant to an internal organizational restructuring, was transferred to Flipkart India Private Limited on 01.06.2025. Petitioner No.2 is presently entrusted with the management of delivery operations at the same Flipkart Delivery Hub. Petitioner No.3 is serving as the Manager of the Asset Security Protection Team at Flipkart India's Mother Delivery Hub and was likewise transferred from Instakart Services Private Limited to Flipkart India Private Limited with effect from 01.06.2025. Petitioner No.4 is working as a Sorting Executive at the Flipkart Delivery Hub situated at Shri Parisar, Opposite Kool Homes Apartment, Daldal Seoni Road, Mowa, Raipur.

8. The record further reveals that Flipkart Internet Private Limited owns and operates the online marketplace www.flipkart.com, which functions as an intermediary under the provisions of the Information Technology Act, 2000. The said platform enables independent third-party sellers to list and offer their products for sale to independent buyers, while Flipkart Internet merely provides the technological platform for transmission, hosting and facilitation of such transactions. Flipkart India Private Limited functions as a business-to-business entity and also provides goods transportation services, whereas Instakart Services Private Limited is engaged in providing logistics, warehousing

and courier services to Flipkart Internet as well as other third-party clients through its logistics network.

9. It is borne out from the record that on 17.07.2025, FIR bearing Crime No.293/2025 came to be registered at Police Station Mandir Hasaud, District Raipur, for offences punishable under Sections 25 and 27 of the Arms Act, 1959 and Sections 103(1), 109, 3(5) and 309(6) of the Bharatiya Nyaya Sanhita, 2023, alleging that two accused persons, namely Sameer and Kunal, after arriving at Munot HP Fuels Petrol Pump situated at Village Umaria, sought petrol for their motorcycle, committed robbery, assaulted the complainant, namely Anil Gaikwad, with a knife and fatally stabbed the Petrol Pump Manager, Yogesh Giri, resulting in his death. Admittedly, none of the present petitioners, nor Flipkart Internet Private Limited, Flipkart India Private Limited or Instakart Services Private Limited, were named as accused in the said FIR.

10. The record further indicates that on the very same day, i.e., 17.07.2025, at about 3:30 p.m., a team comprising officers of the Anti-Crime and Cyber Unit, Fafadih, Raipur, visited the Flipkart Delivery Hub and directed Petitioner No.2 to accompany them to the Crime Branch Office. Upon reaching the Crime Branch Office, Petitioner No.2 was instructed by the Additional Superintendent of Police to summon Petitioner No.1, who in turn contacted Petitioner No.3. By approximately 4:45 p.m., Petitioners No.1 to 3 appeared before the Anti-Crime and Cyber Unit, where they were questioned regarding their official

responsibilities, the business model adopted by Flipkart India and the delivery mechanism relating to orders placed through the Flipkart Platform. Their statements were also recorded during the course of such enquiry.

11. Thereafter, Petitioners No.1 to 3 were taken to Police Station Mandir Hasaud at about 7:00 p.m. on 17.07.2025, where they remained in police custody overnight. Their mobile phones were seized on the following day and were returned subsequently. On 18.07.2025, a legal representation came to be submitted on behalf of the Flipkart Group before the concerned police authorities requesting immediate release of the petitioners on the ground that they had been detained for more than twenty-four hours without issuance of any arrest memo, without compliance of the statutory requirements contained in the BNSS and without being produced before the competent Magistrate.

12. Subsequently, on 19.07.2025, FIR bearing Crime No.293/2025 came to be registered at Police Station Mandir Hasaud under Sections 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The allegations contained therein were to the effect that the managers and distributors associated with Flipkart India and ElasticRun knowingly facilitated delivery of a parcel containing a knife to the accused persons named in Crime No.293/2025 despite alleged prior communications issued by the police authorities advising against such deliveries. The petitioners were released on the same day upon furnishing security bonds. The material further discloses that on 19.07.2025, notices under Section 94 of the

BNSS were issued requiring the petitioners to furnish details regarding orders allegedly placed through a specified mobile number. During the same period, information relating to the investigation was disseminated through the official social media platforms of the Raipur Police and was also reported by various print and digital media outlets.

13. The record further reveals that prior to registration of the impugned FIR, the Additional Superintendent of Police (Crime), Raipur had addressed a communication dated 17.06.2025 seeking information regarding sales of knives within specified districts. Subsequently, on 16.07.2025, the In-charge of the Anti-Crime and Cyber Unit issued a communication to the Nodal Officer of Flipkart Internet seeking details of orders and deliveries relating to knives from the Flipkart platform. In response thereto, the Nodal Officer of Flipkart Internet furnished replies by e-mail dated 24.07.2025 stating that no knives, other than kitchen knives, had been sold through the platform in the specified areas during the relevant period. Thereafter, by communication dated 05.08.2025, further information relating to purchases of kitchen knives within the relevant pin code areas was also furnished to the investigating agency. Petitioners No.1 to 3 also responded to the notices issued under Section 94 of the BNSS on 24.07.2025 and 21.08.2025 and continued to cooperate with the investigation.

14. The record also indicates that two employees of ElasticRun, namely Dinesh Kumar Sahu and Harishankar Sahu, who were also arrayed as accused in Crime No.293/2025, had earlier approached this

Court seeking quashing of the said FIR by filing CRMP No.2714/2025. The said petition came to be dismissed by this Court vide order dated 01.09.2025.

15. Upon completion of investigation, the investigating agency submitted Final Report/Charge-sheet No.592/2025 dated 31.12.2025 before the competent Court alleging commission of offences under Sections 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 against the present petitioners as well as three employees of ElasticRun. The charge-sheet, inter alia, refers to the alleged delivery of "CANTIC 1 Pc Steel Knife" having a blade length of approximately four inches and "Wizbiz 1 Pc Stainless Steel Knife Cleaver Kitchen Knife Set" having a blade length of approximately 2.5 centimetres. Pursuant to filing of the said final report, the learned Judicial Magistrate First Class, Raipur, by order dated 12.01.2026, took cognizance under Section 210(1) of the BNSS. The record further discloses that the petitioners were supplied with a copy of the charge-sheet; however, according to them, the copies supplied were incomplete, with several annexures and pages either missing or illegible. Consequently, the petitioners moved an application under Section 230 of the BNSS before the learned Trial Court seeking supply of complete copies of the documents forming part of the charge-sheet, which application is stated to be pending consideration.

16. Aggrieved by the registration of FIR bearing Crime No.293/2025, the submission of Charge-sheet No.592/2025 pursuant thereto, and the order dated 12.01.2026 whereby cognizance has been taken by the

learned Judicial Magistrate First Class, Raipur, the petitioners have invoked the inherent jurisdiction of this Court under Section 528 of the BNSS seeking quashing of the impugned FIR, the consequential charge-sheet and all further criminal proceedings arising therefrom.

17. Learned Senior Counsel appearing for the petitioners, assisted by learned counsel, vehemently submits that the present case is a glaring example of abuse of the criminal process and arbitrary exercise of police powers. It is contended that the impugned FIR came to be registered only after the petitioners had already been detained by the police for more than forty-eight hours without any lawful authority and in complete disregard of the mandatory safeguards contained in the BNSS. It is argued that the subsequent registration of the impugned FIR on the very date of their release was nothing but a device adopted to retrospectively legitimize the illegal detention already suffered by the petitioners. Learned Senior Counsel would submit that the subsequent filing of the impugned charge-sheet does not improve the prosecution case in any manner, as it merely reproduces the allegations contained in the FIR without disclosing any fresh material or independent evidence collected during investigation. According to the learned Senior Counsel, despite an investigation extending over several months, the investigating agency failed to gather any evidence connecting the petitioners with the alleged offences and yet mechanically proceeded to submit the charge-sheet, which itself demonstrates complete non-application of mind and abuse of the process of law.

18. Learned Senior Counsel further submits that even if the allegations contained in the impugned FIR and the charge-sheet are accepted in their entirety, no offence whatsoever is made out against any of the petitioners, much less an offence punishable under Sections 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. It is submitted that Section 125(b) contemplates a rash or negligent act which directly endangers human life or personal safety and results in grievous hurt, whereas neither the FIR nor the charge-sheet attributes any rash, negligent or unlawful act to any of the petitioners. There is not even an allegation that any of the petitioners personally handled, dispatched, authorized or delivered the alleged knife or that any act or omission on their part had any direct or proximate nexus with the unfortunate death of the deceased. It is further submitted that the entire prosecution proceeds on the wholly untenable assumption that because a kitchen knife was allegedly purchased through the Flipkart platform, the managerial employees of Flipkart India can automatically be fastened with criminal liability, without any material establishing their knowledge, intention or participation in the alleged offence.

19. It is further argued that the prosecution completely overlooks the undisputed business structure of the Flipkart Group. Learned Senior Counsel submits that Flipkart Internet merely operates an intermediary platform facilitating transactions between independent sellers and buyers and enjoys statutory protection under Section 79 of the Information Technology Act, 2000. Flipkart India functions only as a business-to-business entity and goods transport agency, whereas

logistics operations are undertaken through independent third-party entities, including ElasticRun. The petitioners are merely salaried employees discharging managerial and administrative responsibilities at delivery hubs and have neither any role in listing products on the platform nor any control over individual transactions undertaken between independent buyers and sellers. It is submitted that the charge-sheet itself acknowledges that the articles allegedly purchased were ordinary kitchen knives having dimensions well below those prescribed under Category V of the Arms Rules, 2016 and, therefore, neither the sale nor transportation of such domestic-use articles attracts any prohibition under the Arms Act, 1959. It is further submitted that the prosecution has not collected any forensic report establishing that the knife allegedly used in the commission of the principal offence was the very knife purchased through the Flipkart platform, thereby rendering the entire prosecution case purely speculative.

20. Learned Senior Counsel further contends that the prosecution seeks to impose vicarious criminal liability upon the petitioners merely because they happen to occupy managerial positions in Flipkart India. It is submitted that the impugned FIR as well as the charge-sheet are conspicuously silent regarding any specific overt act attributable to any individual petitioner and fail to disclose any material indicating their knowledge, intention or participation in the alleged transaction. Reliance is placed upon the decisions of the Hon'ble Supreme Court in ***Sanjay Dutt v. State of Haryana and others, 2025 INSC 34***, ***Sharad Kumar Sanghi v. Sangita Rane, (2015) 12 SCC 781*** and ***Aneeta Hada v.***

Godfather Travels & Tours (P) Ltd., (2012) 5 SCC 661, to contend that criminal liability cannot be fastened upon directors or employees of a company in the absence of specific allegations demonstrating their personal involvement in the commission of the alleged offence and, in the absence of the company itself being prosecuted, the prosecution against its employees is legally unsustainable.

21. Lastly, learned Senior Counsel submits that even the order dated 12.01.2026 taking cognizance is wholly mechanical and suffers from complete non-application of judicial mind. It is argued that the learned Magistrate failed to examine whether the material collected during investigation disclosed the essential ingredients of the offences alleged or whether any prima facie case existed against the petitioners. The order merely records the filing of the charge-sheet and proceeds to take cognizance without assigning any reasons or considering the exculpatory material forming part of the prosecution record itself, including the replies furnished by the Nodal Officer of Flipkart Internet and the petitioners during investigation. It is, therefore, submitted that the impugned FIR, the consequential charge-sheet and the order taking cognizance constitute a manifest abuse of the process of law and deserve to be quashed by this Court in exercise of its inherent jurisdiction under Section 528 of the BNSS.

22. On the other hand, learned State counsel vehemently opposes the submissions advanced on behalf of learned Senior Counsel for the petitioners and submits that the present petition is wholly devoid of merit

and deserves to be dismissed. It is submitted that the impugned FIR as well as the consequential charge-sheet disclose the commission of cognizable offences and are based upon material collected during the course of investigation. Learned State counsel submits that Crime No.293/2025 was initially registered in connection with the offences of robbery, murder and attempt to murder, wherein during investigation accused Kunal Tiwari was apprehended. Upon interrogation, it surfaced that the knife allegedly used in the commission of the offence had been purchased through the Flipkart platform. During investigation, the investigating agency examined the mobile phone used by the accused and found that the knife in question had been ordered online through the mobile number used by him and that two other knives had also been purchased through the same platform. It is submitted that these facts constituted sufficient material for the investigating agency to further investigate the circumstances under which such articles were delivered and the role of the persons responsible for their dispatch and delivery.

23. Learned State counsel further submits that the investigation revealed that prior to the incident, the Raipur Police had, through meetings and official communications, cautioned managers, distributors and delivery agencies associated with online platforms, including Flipkart and ElasticRun, against facilitating the delivery of knives and similar articles capable of posing a threat to human life. Despite such communications, the petitioners and other employees associated with the delivery chain allegedly permitted and facilitated the delivery of the knives without exercising due care and caution. According to the

prosecution, the petitioners, despite occupying responsible managerial positions and having knowledge regarding the nature of the articles being transported through the barcode and delivery mechanism, failed to prevent the delivery of the knives, thereby negligently endangering human life and facilitating the commission of serious offences. It is submitted that whether the petitioners possessed the requisite knowledge, whether they acted negligently and whether their conduct attracts the ingredients of Section 125(b) read with Section 3(5) of the Bharatiya Nyaya Sanhita are all matters which require appreciation of evidence during trial and cannot be adjudicated in proceedings under Section 528 of the BNSS.

24. Learned State counsel further submits that after registration of the impugned FIR, the investigating agency carried out a detailed investigation by recovering the weapon allegedly used in the offence from accused Kunal Tiwari, preparing the spot map, recording the statements of witnesses under law, collecting the electronic records pertaining to the online purchase of the knife, examining the role of the officials connected with the delivery process and scrutinizing the relevant documents relating to the transaction. Upon evaluation of the entire material collected during investigation, the investigating agency formed an opinion that sufficient material existed to prosecute the petitioners and other accused persons for offences punishable under Sections 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and accordingly submitted Charge-sheet No.592/2025 dated 31.12.2025 before the competent Court. It is submitted that the charge-sheet,

therefore, cannot be said to be a mechanical exercise or one unsupported by investigative material.

25. It is further submitted that the contentions advanced on behalf of the petitioners regarding the nature of the knives, the applicability of the Arms Act, the business model of Flipkart, the protection available under Section 79 of the Information Technology Act, the absence of vicarious liability, want of mens rea and lack of direct involvement are all matters constituting the defence of the petitioners. Such disputed questions of fact necessarily require appreciation of oral and documentary evidence and cannot be conclusively adjudicated while exercising inherent jurisdiction under Section 528 of the BNSS. Learned State counsel submits that the High Court, at this stage, is only required to examine whether the allegations contained in the FIR and the material collected during investigation disclose a prima facie case and not whether the prosecution will ultimately succeed in securing conviction. Since the allegations are neither absurd nor inherently improbable and the investigation has culminated in the filing of a charge-sheet supported by material collected during investigation, no case for interference is made out. It is, therefore, prayed that the present petition be dismissed.

26. We have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

27. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in

exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the FIR or the charge-sheet may be quashed in exercise of powers under Article 226 or inherent powers under Section 482 of the Cr.P.C. (now 528 of the B.N.S.S.).

28. 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 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.

29. In *Neharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others* reported in *2021 SCC OnLine SC 315*, the Apex Court has observed that the power of quashing should be exercised sparingly with

circumspection in the rarest of rare cases. While examining an FIR/complaint, quashing of which is sought, the Court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the FIR/complaint. The power under Section 482 of the Cr.P.C. (now 528 of the B.N.S.S.) is very wide, but conferment of wide power requires the Court to be cautious. The Apex Court has emphasized that though the Court has the power to quash the FIR in suitable cases, the Court, when it exercises power under Section 482 of the Cr.P.C. (now 528 of B.N.S.S.), only has to consider whether or not the allegations of FIR disclose the commission of a cognizable offence and is not required to consider the case on merit. Further, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 of Cr.P.C. (now 528 of B.N.S.S.) , final conclusions are as under:-

“i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;

ii) Courts would not thwart any investigation into the cognizable offences;

iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;

iv) The power of quashing should be exercised sparingly with circumspection, as it

has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).

v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii) The first information report is not an

encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court

when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;

xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the

investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/ disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

30. Very recently, the Hon'ble Supreme Court in ***Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another (Criminal Appeal No. 3831 of 2025, decided on 02.09.2025)***, while reiterating the settled

principles governing the exercise of inherent jurisdiction for quashing criminal proceedings, has once again emphasized that the jurisdiction vested in the High Court is extraordinary in nature and is required to be exercised with great caution, circumspection and only in exceptional circumstances.

31. The Apex Court has held that while considering a prayer for quashing of an FIR, charge-sheet or criminal proceedings, the Court is not expected to conduct a mini trial or undertake a meticulous examination of the evidence collected during investigation. The scope of judicial scrutiny at such stage is confined to examining whether the allegations made in the FIR, the material collected during investigation and the charge-sheet, if accepted at their face value, disclose the commission of a cognizable offence and make out a prima facie case for proceeding against the accused.

32. The Hon'ble Supreme Court further observed that the High Court, while exercising jurisdiction under Section 482 of the Code of Criminal Procedure (now Section 528 of the BNSS), cannot enter into disputed questions of fact, evaluate the truthfulness or otherwise of the allegations, assess the evidentiary value of witness statements, or adjudicate upon the probable defence available to the accused. Such an exercise falls squarely within the province of the trial Court, which alone is competent to appreciate evidence after the parties have led their respective cases. The Apex Court cautioned that where the allegations disclose the ingredients of the alleged offences and the

investigating agency has collected material in support thereof, criminal proceedings ought not to be scuttled at the threshold merely because the accused has raised a plausible defence or disputes the correctness of the prosecution case. The Hon'ble Supreme Court observed that:

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-

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

(ii) 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.

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

(iv) 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?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. 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.

[(See: Rajiv Thapar & Ors. v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)).]

33. Tested on the touchstone of the aforesaid principles governing the exercise of inherent jurisdiction under Section 528 of the BNSS, this Court is of the considered opinion that the allegations contained in Crime No.293/2025 and the material collected during investigation cannot, at this stage, be said to be so absurd, inherently improbable or wholly devoid of substance so as to warrant interference by this Court. The record reveals that the impugned FIR was not registered in isolation but emerged during investigation of Crime No.293/2025, wherein serious offences including robbery and murder were under investigation. During such investigation, the investigating agency claims to have recovered the weapon allegedly used in the commission of the offence and, upon examination of the electronic data available in the mobile phone of the principal accused, found that the knife had been

purchased through the Flipkart platform. The investigation thereafter proceeded to examine the chain of procurement, dispatch and delivery of the said article, which ultimately culminated in registration of Crime No.293/2025. Whether the conclusions ultimately drawn by the investigating agency are correct or not is a matter which necessarily requires appreciation of evidence during trial and cannot be conclusively adjudicated in proceedings under Section 528 of the BNSS.

34. A careful perusal of the charge-sheet further discloses that the investigating agency did not merely rely upon the allegations contained in the FIR but proceeded to collect documentary as well as electronic material, including details of the online orders allegedly placed by the principal accused, recovery of the weapon, statements of witnesses, replies furnished by the concerned officials pursuant to notices issued under the BNSS, and other documents relating to the alleged delivery mechanism. Upon consideration of the aforesaid material, the investigating agency formed an opinion that sufficient grounds existed for prosecuting the petitioners along with other accused persons for offences punishable under Sections 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

35. At this stage, this Court cannot embark upon an enquiry as to whether such material is ultimately sufficient to secure conviction, since the sufficiency or otherwise of the evidence is a matter exclusively within the domain of the trial Court.

36. The principal submission advanced on behalf of the petitioners is that they were merely employees of Flipkart India Private Limited, that they had no role in listing, selling or delivering the alleged article, that the knife in question was only a domestic kitchen knife, that Flipkart functions as an intermediary protected under Section 79 of the Information Technology Act, 2000 and that no vicarious criminal liability can be fastened upon them. In the considered opinion of this Court, all these submissions essentially constitute matters of defence. Whether the petitioners were in fact responsible for any stage of the delivery process, whether they possessed the requisite knowledge regarding the alleged transaction, whether they exercised due diligence expected of them, whether the alleged prior communications issued by the police authorities were received and acted upon, and whether their acts or omissions satisfy the ingredients of Section 125(b) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 are all disputed questions of fact requiring appreciation of oral as well as documentary evidence. Such disputed issues cannot be conclusively determined while exercising inherent jurisdiction under Section 528 of the BNSS.

37. Equally untenable is the contention that since the knife allegedly purchased through the Flipkart platform falls outside the prohibitory provisions of the Arms Act, 1959 and the Arms Rules, 2016, the entire prosecution necessarily deserves to be quashed. A reading of the impugned FIR and the charge-sheet demonstrates that the prosecution is not founded upon any allegation of violation of the Arms Act, 1959. The gravamen of the allegation is that despite prior communications

and warnings issued by the police authorities regarding delivery of articles capable of endangering human life, the persons responsible for the delivery chain allegedly failed to exercise due care, thereby facilitating delivery of the article which was subsequently used in the commission of a serious offence. Whether such allegations ultimately satisfy the ingredients of Section 125(b) of the Bharatiya Nyaya Sanhita, 2023 is a matter which can only be examined after the parties adduce evidence before the competent criminal Court. At this stage, the Court cannot return a finding that no offence whatsoever is disclosed merely because the article itself may not constitute a prohibited arm under the Arms Act.

38. This Court also finds no merit in the submission that the charge-sheet is merely a verbatim reproduction of the FIR and that no independent investigation has been conducted. The charge-sheet itself indicates that during investigation the investigating officer recovered the weapon allegedly used in the principal offence, collected electronic purchase records, recorded statements of witnesses, issued notices under the BNSS, obtained replies from the concerned entities, prepared the spot map and collected other documentary material before arriving at the conclusion that sufficient grounds existed for filing the final report. Whether such material is reliable or ultimately establishes the guilt of the petitioners is a matter falling exclusively within the jurisdiction of the trial Court and cannot be examined by this Court in proceedings seeking quashing.

39. Learned Senior Counsel for the petitioners has placed heavy reliance upon the decisions of the Hon'ble Supreme Court in **Sanjay Dutt** (supra), **Sharad Kumar Sanghi** (supra) and **Aneeta Hada** (supra). In the considered opinion of this Court, the said authorities do not advance the case of the petitioners at this preliminary stage. Those decisions were rendered in the context of offences where criminal liability was sought to be fastened solely on the basis of the official position held by directors or officers of a company and the statutory provisions themselves contemplated vicarious liability. In the present case, however, the prosecution case is not founded merely upon the official designation of the petitioners but upon specific allegations emerging from the investigation regarding their alleged role in the delivery mechanism, their managerial responsibilities and their alleged omission despite prior communications issued by the police authorities. Whether those allegations are ultimately established or not is a matter of evidence. Therefore, the aforesaid judgments cannot be read as laying down an absolute proposition that criminal proceedings must invariably be quashed at the threshold whenever company employees are prosecuted.

40. Likewise, the reliance placed upon Section 79 of the Information Technology Act, 2000 also does not persuade this Court to exercise its inherent jurisdiction. Whether the statutory protection available to intermediaries is attracted in the facts of the present case, whether all conditions stipulated under Section 79(2) of the Information Technology Act and the Information Technology (Intermediary Guidelines and Digital

Media Ethics Code) Rules, 2021 stood duly complied with, and whether the petitioners are themselves entitled to invoke such statutory protection are issues involving mixed questions of law and fact. Such issues necessarily require evidence and cannot be conclusively adjudicated at the stage of considering a petition under Section 528 of the BNSS.

41. The petitioners have also questioned the legality of their alleged detention prior to registration of the impugned FIR and contended that the mandatory safeguards under the BNSS were violated. In the opinion of this Court, the said allegations, assuming them to be correct, cannot by themselves furnish a ground for quashing the criminal proceedings arising out of Crime No.293/2025. The legality or otherwise of the procedure adopted during investigation and the remedies available to the petitioners in respect thereof stand on a different footing from the issue whether the allegations contained in the FIR and the material collected during investigation disclose the commission of a cognizable offence. The alleged procedural irregularities, if any, do not ipso facto render the prosecution non est so as to justify quashing of the FIR or the charge-sheet at the threshold.

42. The challenge to the order dated 12.01.2026 taking cognizance is also devoid of substance. At the stage of taking cognizance, the learned Magistrate is only required to examine whether the police report and the material accompanying it disclose sufficient grounds for proceeding against the accused. A detailed evaluation of the evidence or recording

of elaborate reasons is not contemplated at such stage. Since the charge-sheet disclosed material which, according to the investigating agency, prima facie constituted offences punishable under Sections 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the order taking cognizance cannot be said to suffer from such patent illegality or non-application of mind as would warrant interference under Section 528 of the BNSS.

43. Upon an overall consideration of the allegations contained in Crime No.293/2025, the material collected during investigation, the documents forming part of Charge-sheet No.592/2025 and the rival submissions advanced by the parties, this Court is of the considered opinion that the present case does not satisfy the parameters warranting exercise of the extraordinary inherent jurisdiction under Section 528 of the BNSS. The allegations levelled against the petitioners cannot, at this stage, be characterized as so absurd, inherently improbable or wholly devoid of factual foundation that no prudent person could reasonably conclude that they disclose the commission of a cognizable offence. The investigating agency has collected material in support of the prosecution case, including the statements of witnesses, electronic records relating to the online purchase of the knife, replies furnished by the petitioners and the concerned entities pursuant to notices issued during investigation, recovery of the alleged weapon from the principal accused in Crime No.293/2025, and other documentary evidence. Whether such material ultimately establishes the culpability of the petitioners is a matter which

falls exclusively within the domain of the trial Court. At this stage, this Court is only concerned with examining whether the material collected during investigation discloses a prima facie case and not whether the prosecution is likely to culminate in conviction.

44. The Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd.*** (supra), has authoritatively held that the jurisdiction to quash criminal proceedings is required to be exercised sparingly, with circumspection and only in the rarest of rare cases. The Apex Court has categorically observed that the High Court, while exercising its inherent jurisdiction, cannot undertake an enquiry into the reliability or otherwise of the allegations contained in the FIR, cannot appreciate the evidentiary value of the material collected during investigation, and cannot conduct a mini trial by weighing the probable defence available to the accused. The Supreme Court further emphasized that once the allegations disclose the commission of a cognizable offence, the investigating agency must ordinarily be permitted to complete the investigation and the criminal proceedings should not be interdicted merely because the accused disputes the allegations or sets up a plausible defence.

45. The principles enunciated in ***Neeharika Infrastructure Pvt. Ltd.*** (supra) squarely apply to the facts of the present case, where the petitioners seek adjudication of several disputed factual issues relating to their role, the scope of their duties, the nature of the delivery process, the applicability of statutory protections under the Information

Technology Act, the alleged police communications and the absence of mens rea. All these questions necessarily require appreciation of evidence and cannot appropriately be determined in proceedings under Section 528 of the BNSS.

46. Equally apposite are the observations recently made by the Hon'ble Supreme Court in *Pradeep Kumar Kesharwani* (supra), wherein the Apex Court reiterated that while exercising inherent jurisdiction, the High Court is not expected to meticulously analyse the evidence collected during investigation or adjudicate upon the correctness of rival factual assertions. The Court reiterated that once the investigating agency has collected material disclosing the ingredients of the alleged offences, disputed questions regarding the sufficiency, admissibility or probative value of such material must necessarily be left for adjudication before the competent criminal court.

47. The Supreme Court further reiterated the principles laid down in *Rajiv Thapar* (supra), holding that quashing can be justified only when the material relied upon by the accused is of sterling and impeccable quality, completely demolishes the prosecution case, remains wholly uncontroverted and unmistakably establishes that continuation of the prosecution would amount to abuse of the process of Court. In the present case, the documents relied upon by the petitioners, including the organizational structure of the Flipkart Group, the dimensions of the knife, the alleged statutory protection under Section 79 of the Information Technology Act, the provisions of the Arms Act and Arms

Rules and the alleged absence of personal involvement, are all matters which are either disputed by the prosecution or require evidence for their proper appreciation. Consequently, none of the tests formulated by the Hon'ble Supreme Court in *Pradeep Kumar Kesharwani* (supra) read with *Rajiv Thapar* (supra) stand satisfied in the facts of the present case.

48. This Court is also unable to accept the contention that the prosecution deserves to be quashed merely because the petitioners have projected a defence which, according to them, may ultimately result in their acquittal. It is now trite that the existence of a possible defence, however plausible, cannot furnish a ground for quashing criminal proceedings at the threshold. The submissions advanced on behalf of the petitioners regarding the absence of vicarious liability, the immunity available to intermediaries under Section 79 of the Information Technology Act, the applicability of the Arms Act, the alleged absence of any direct nexus between the petitioners and the principal offence, the legality of the police communications, the alleged illegal detention prior to registration of the FIR and the validity of the cognizance order, all involve disputed questions of fact or mixed questions of law and fact which necessarily require appreciation of evidence. Such issues are more appropriately examined by the learned Trial Court after the parties have led their evidence and cannot be conclusively adjudicated while exercising jurisdiction before this Court by filing a petition under Section 528 of the BNSS.

49. This Court also finds no merit in the submission that the order dated 12.01.2026 taking cognizance suffers from non-application of mind. At the stage of taking cognizance, the learned Magistrate is only required to examine whether the police report and the material accompanying it disclose sufficient grounds for proceeding against the accused. The Court is not expected to meticulously evaluate the evidence or record elaborate findings on the merits of the prosecution case. A perusal of the charge-sheet reveals that the investigating agency collected documentary as well as electronic material, statements of witnesses and other relevant documents during the course of investigation and, upon consideration thereof, formed an opinion that a prima facie case was made out against the petitioners for offences punishable under Sections 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. On being satisfied that the material disclosed sufficient grounds to proceed, the learned Magistrate took cognizance of the offences. Merely because the petitioners dispute the correctness, reliability or evidentiary value of the material collected during investigation cannot render the order taking cognizance vulnerable to interference in exercise of the inherent jurisdiction of this Court.

50. This Court also cannot lose sight of the fact that two co-accused, namely Dinesh Kumar Sahu and Harishankar Sahu, who are employees of ElasticRun and are similarly situated as the present petitioners, had earlier approached this Court by filing CRMP No.2714/2025 seeking quashing of the very same Crime No.293/2025. The said petition came to be dismissed by this Court vide order dated 01.09.2025, wherein this

Court declined to exercise its inherent jurisdiction after finding that the allegations and the material collected during investigation disclosed a prima facie case warranting trial.

51. Though the present petition has been argued on additional grounds, the fact remains that the prosecution emanates from the same FIR, the same investigation and substantially the same set of allegations. In the absence of any exceptional circumstance or unimpeachable material warranting a different view, this Court finds no justification to take a contrary approach in the present proceedings. The aforesaid circumstance also reinforces the conclusion that the issues sought to be raised by the petitioners are matters requiring appreciation of evidence during trial and do not justify quashing of the criminal proceedings at the threshold.

52. In view of the foregoing discussion, and applying the principles laid down by the Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd.*** (supra) and ***Pradeep Kumar Kesharwani*** (supra), this Court is of the considered opinion that the allegations contained in Crime No.293/2025, read together with the material collected during investigation and the charge-sheet submitted before the competent Court, disclose a prima facie case requiring adjudication in accordance with law. The present case does not fall within any of the well-recognized categories warranting exercise of the extraordinary jurisdiction under Section 528 of the BNSS for quashing the criminal proceedings at the threshold. The defence sought to be projected by the

petitioners is required to be tested on the touchstone of evidence during trial and cannot be accepted at its face value in proceedings of the present nature.

53. Consequently, this Court is of the considered opinion that no ground is made out for quashing FIR bearing Crime No.293/2025 registered at Police Station Mandir Hasaud, District Raipur, Charge-sheet No.592/2025 dated 31.12.2025, the order dated 12.01.2026 passed by the learned Judicial Magistrate First Class, Raipur taking cognizance under Section 210(1) of the BNSS in Criminal Case No.213/2026, or the consequential criminal proceedings arising therefrom. The petition, being devoid of merit, deserves to be and is accordingly dismissed.

54. It is, however, made clear that the observations recorded herein are confined solely to the adjudication of the present petition under Section 528 of the BNSS. The learned Trial Court shall decide the criminal case independently, strictly in accordance with law and on the basis of the evidence that may be adduced before it, without being influenced by any observations made in this order, which are only for the purpose of deciding the present petition for quashing.

55. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice