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MCRC-23406-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 11th OF SEPTEMBER, 2026MISC. CRIMINAL CASE No. 23406 of 2026*ROOP SINGH CHADAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Mr. Aviral Vinayak Jaroliya - Advocate for the petitioner.**Ms. Hemlata Kshatriya - Panel Lawyer for the respondents/State.*
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ORDER

This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the applicant, Roop Singh Chadar, seeking quashment of FIR bearing Crime No. 378/2024 registered at Police Station Malthon, District Sagar for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and all consequential proceedings arising therefrom.

2. The case of the applicant, in brief, is that he was serving as a teacher under the School Education Department and was posted within District Sagar. It is alleged that on the basis of a news item published in the newspaper Dainik Bhaskar on 18.11.2024 alleging that another person was performing teaching duties in place of the applicant, an inspection was conducted by the Development Block Education Officer, Malthon and the Development Block Coordinator. During the inspection, statements of certain students and local persons were allegedly recorded and it was



concluded that one Vikram Singh Lodhi was discharging duties in place of the applicant. Consequently, the applicant was placed under suspension vide order dated 18.11.2024, filed as Annexure A/2. On the recommendation of the Development Block Education Officer, FIR bearing Crime No.378/2024 dated 19.11.2024 was registered against the applicant under Section 318(4) of BNS, 2023. A copy of the FIR has been filed as Annexure A/1.

3. Learned counsel for the applicant submitted that subsequent to registration of the FIR, a departmental charge-sheet was issued to the applicant and disciplinary proceedings were initiated against him. The charge-sheet has been placed on record as Annexure A/3. It is submitted that a full-fledged departmental enquiry was conducted by the competent authority wherein the principal allegation that Vikram Singh Lodhi was working in place of the applicant was specifically examined. According to the enquiry report, filed as Annexure A/4, Charge No.1 relating to substitution of the applicant by another person was found not proved and the applicant stood exonerated of the said allegation. It is argued that despite such categorical findings, the respondents proceeded to terminate the services of the applicant vide order dated 04.06.2025, filed as Annexure A/5, primarily on the ground of pendency of the criminal case.

4. Learned counsel further submitted that the very foundation of the FIR is the allegation that another person was performing duties in place of the applicant and when the same allegation has not been established even in departmental proceedings, continuation of criminal proceedings would amount to abuse of the process of law. It is contended that the ingredients of



Section 318(4) of BNS are completely absent in the present case. There is no allegation that the applicant dishonestly induced any person to deliver property, obtained any pecuniary advantage by deception, or made any fraudulent representation so as to constitute the offence of cheating. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in **State of Haryana vs. BhajanLal**, 1992 Supp (1) SCC 335, to contend that where the allegations contained in the FIR do not disclose commission of any cognizable offence, the inherent jurisdiction of this Court deserves to be exercised for securing the ends of justice. It is also submitted that a co-accused facing similar allegations has already been granted relief by this Court in a separate petition and a copy of the said order has been filed as Annexure A/6.

5 . *Per contra*, learned Government Advocate opposed the petition and submitted that the FIR discloses commission of a cognizable offence and the allegations levelled against the applicant require thorough investigation. It is contended that the scope of interference at the stage of investigation is limited and the Court should not embark upon appreciation of evidence while exercising jurisdiction under Section 528 of BNSS. It is further argued that departmental proceedings and criminal proceedings operate in distinct fields and exoneration in departmental enquiry does not automatically result in quashment of criminal prosecution.

6. Heard learned counsel for the parties and perused the material available on record.

7. The FIR (Annexure A/1) reveals that the entire allegation against



the applicant is that he remained absent from duty and another person, namely Vikram Singh Lodhi, was allegedly performing teaching functions in his place. The record further reveals that after initiation of departmental proceedings, a detailed enquiry was conducted by the competent authority and the enquiry report (Annexure A/4) specifically records that the principal charge regarding performance of duties by another person in place of the applicant could not be established. Thus, the very factual foundation on which the criminal case has been instituted stands substantially eroded by the findings recorded in the departmental proceedings.

8. Even otherwise, a plain reading of Section 318(4) of the Bharatiya Nyaya Sanhita indicates that the essential ingredients of cheating include deception, dishonest inducement and consequential delivery of property or wrongful gain. The allegations contained in the FIR do not disclose any act of inducement, fraudulent representation or delivery of property attributable to the applicant. At the highest, the allegations may constitute a matter relating to service misconduct warranting departmental action. However, the material placed on record does not disclose the commission of the offence punishable under Section 318(4) of BNS.

9. This Court also finds substance in the submission of learned counsel for the applicant that a similarly situated co-accused has already been granted relief by this Court in respect of analogous allegations, as reflected from Annexure A/6. The present case stands on a stronger footing inasmuch as the applicant has already been exonerated of the principal allegation in departmental enquiry.



10. The Hon'ble Supreme Court in **Bhajan Lal (supra)** has held that where the allegations made in the FIR, even if accepted in their entirety, do not constitute any offence or where continuation of criminal proceedings would amount to abuse of the process of law, the High Court would be justified in exercising its inherent jurisdiction to quash such proceedings. Applying the aforesaid principles to the facts of the present case, this Court is of the considered opinion that continuation of criminal proceedings against the applicant would serve no useful purpose and would amount to abuse of the process of law.

11. Accordingly, the petition is **allowed**. FIR bearing Crime No.378/2024 registered at Police Station Malthon, District Sagar, for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and all consequential proceedings arising therefrom, insofar as they relate to the present applicant, are hereby quashed. Pending interlocutory applications, if any, shall stand disposed of.

(HIMANSHU JOSHI)
JUDGE

Prachi