

Adil Shah vs The State Of Madhya Pradesh on 5 August, 2024

Author: Milind Ramesh Phadke

Bench: Milind Ramesh Phadke

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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE
ON THE 5th OF AUGUST, 2024
MISC. CRIMINAL CASE No. 33443 of 2024
ADIL SHAH
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:
Shri D.V. Singh - Advocate for the petitioner.
Shri B.M. Patel - Government Advocate for the State.

ORDER

The present petition under Section 528 of Bhartiya Nagrik Suraksha Adhiniyam Sahinta for seeking free and fair investigation on the representation/complaint as made by the petitioner.

The petitioner is aggrieved by the arbitrary and vitiated actions of the respondents in not taking action in pursuance to police complaint which has been filed by the petitioner against the commission of cognizable offence.

3. Learned counsel for the petitioner prays that directions be issued to the respondents no.2 and 3 to make fair investigation on the police complaints made by the petitioner vide Annexure P/1.

4. Per contra, learned Public Prosecutor Shri B.M. Patel, submits that the present petition is mis-conceived as the remedy to the petitioner lay before the concerned Magistrate under Section 156 (3) of the Code of Criminal Procedure. He placed reliance in the matter of Sakiri Vasu Vs. State of U.P., (2008) 2 SCC 409 and submitted that the Hon'ble Supreme Court has 2 MCRC-33443-2024 laid the guidelines that in such cases the remedy to a person is available before the concerned magistrate and no writ can be issued in this regard.

5. Heard the counsel for the parties and perused the record.

6. Admittedly, the petitioner by way of the present petition wants that directions be issued to the respondent authorities to make fair investigation in the complaints vide Annexure P/1. This Court is in agreement with the arguments advanced by the learned Public Prosecutor, Shri B.M. Patel that remedy in such types of matter would lay before the concerned magistrate under Section 156(3) of the Cr.P.C. Thus, there is no scope of interference in the matter. The petitioner if advised is at liberty

to approach the concerned magistrate for redressal of his grievance.

7. The petition being devoid of substance, is hereby dismissed. E- copy/Certified copy as per rules/directions.

(MILIND RAMESH PHADKE) JUDGE Chandni