

# Hariveer vs The State Of Madhya Pradesh on 6 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 6<sup>th</sup> OF AUGUST, 2024  
MISC. CRIMINAL CASE No. 33562 of 2024  
HARIVEER  
Versus  
THE STATE OF MADHYA PRADESH AND OTHERS  
Appearance:  
Shri Pallav Tripathi, learned counsel for the petitioner.  
Shri M.S. Rawat, learned Public Prosecutor for the respondent.

## ORDER

The present petition under Section 528 of Bhartiya Nagrik Suraksha Adhiniyam Sahinta, 2023 for conducting free, fair and speedy investigation in crime No.0166/2024 registered at Police Station Dimni, District Morena under Section 109, 115(2), 296, 351(2), 3(5) of Bhartiya Naghrik Sanhita, 2023.

2. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the aforesaid crime and he has no connection with the offence as mentioned in the FIR and the complainant has falsely implicated the present petitioner with ulterior motive just to harass him, therefore, he prays that directions be issued to the respondent authorities to make free, fair and speedy investigation in the aforesaid FIR registered against the petitioner.

4. Per contra, learned Public Prosecutor Shri M.S. Rawat, submits that the present petition is mis-conceived as the remedy to the petitioner lay 2 MCRC-33562-2024 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 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 free, fair and speedy investigation in the aforesaid FIR registered against him. This Court is in agreement with the arguments advanced by the learned Public Prosecutor, Shri M.S. Rawat 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 neetu