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NEUTRAL CITATION NO. 2026:MPHC-IND:30816

IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PAVAN KUMAR DWIVEDI

MISC. CRIMINAL CASE No. 18484 of 2026

CNR No.: MPHC020153842026

RAJESH ACHALIYA

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Parv Birla, learned counsel for the petitioner.

Shri Bhaskar Agrawal, learned Government Advocate for the respondent/State.

Heard on:13.08.2026
Pronounced on:02/11/2026

ORDER

The petitioner is a bright student, who has scored the distinction in four out of five subjects in his Class-12th examination. He scored distinction in two subjects in his Class-10th examination, has also cleared the Diploma in Elementary education and has passed Primary School Teacher selection test. He has come before this Court for the relief of quashing the First Information Report registered at Crime No. 198/2024 on 06.07.2024 at P.S. Palsud, Dist. Barwani as well as the

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final report submitted pursuant to registration of said charge-sheet in terms of Section 193 of BNSS, as also the order taking cognizance passed on 16.12.2024 in RCT No. 817/2024.

02. The facts of the case are that on 30.06.2024, an FIR was registered against some members of the tribal community. Being aggrieved by this registration of FIR, some members of Jay Adivasi Yuva Shakti (JAYS) submitted an application on 06.07.2024 to the Station House Officer of Police Station - Palsud for cancellation of FIR. Pursuant to which, another offence was registered at Crime No. 198/2024 on 06.07.2024 by the Police Station - Palsud whereby it was mentioned that members of JAYS namely, Sumer Singh, Seema, Vikram, Tukaram, Kamal, Anil and Rajesh (present petitioner), total seven persons got together and gathered in the police station along with banners and raised slogans. When it was enquired whether they have taken permission from the SDO, Rajpur for this procession and agitation, they denied to take any such permission. As such, the Station House Officer mentioned in the FIR that the District Magistrate, Barwani has passed an order on 07.06.2024 in terms of Section 144 of Code of Criminal Procedure and in violation of Clause 2.2 of the said order, the procession has been taken out by the above said persons which is in breach of Section 223 of BNS. Hence, the case was registered against the aforesaid seven persons including the present petitioner.

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03. After completion of investigation, the report was submitted by the I.O. in terms of Section 193 of BNSS in which a further offence under Section 126(2) of BNS was added. The trial Court after submission of charge-sheet had passed an order on 16.12.2024 whereby cognizance was taken against all the seven persons including the present petitioner. The petitioner being aggrieved has come before this Court.

04. The challenge to the FIR, charge-sheet as well as the order taking cognizance has been mounted by the petitioner on the following grounds:-

(a) The offence was registered under Section 223 of BNS, however, this could not have been done without complying the provisions of Section 215 of BNSS as there was no written complaint by the concerned public servant or by an authority to which the said public servant is administratively subordinate.

(b) The offence alleged in the final report under Section 126(2) is intrisically connected with the same transaction, thus the same cannot be bifurcated into a separate offence from the offence registered under Section 223 of BNS, thus for non-compliance of provisions of Section 215 of BNSS even the cognizance for offence under Section 126(2) is also not tenable.

(c) The third ground which has been taken by the learned counsel is that the ingredients of Section 126(2) are completely absent even if the charge-sheet is taken on its face value.

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(d) The petitioner has been implicated in the case only for the reason that he is member of JAYS community and merely for the fact that they protested against the action taken by the police against the tribal community members.

05. Learned counsel for the petitioner has placed reliance on the judgment of the Hon'ble Apex Court passed in the case of ***C. Munyapan & Ors. Vs. State of Tamil Nadu (2010) 9 SCC 567, Devendra Kumar vs. State (NCT of Delhi) & Anr., 2025 INSC 1009 - SLP (Crl.) No. 12373/2025***.

06. Per contra, the learned counsel for the State submits that the petitioner did not raise this objection before the trial Court at the time of argument on the question of taking cognizance. Learned counsel further submits that the Court has recorded its satisfaction on 13.10.2025 to the effect that there is sufficient material to frame charges under Section 223 as well as 126(2) of BNS. As such, once the *prima facie* satisfaction has been recorded by the trial Court, no case for interference is made out by this Court and in all fairness, the petitioner should face proper trial before the Court. The learned counsel also submits that final report is not encyclopaedia after the completion of investigation report has been submitted. Now the same will be proved by the prosecution by leading evidence in support of the same. He also submits that the Hon'ble Apex Court in the case of ***Devendra Kumar*** (supra) has observed that if two distinct offences are committed, the Court can take cognizance of an offence for which procedure under Section 195 of

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Cr.P.C. (Section 215 of BNSS) is not required to be followed. He thus submits that no case for interference is made out and the petition deserves to be dismissed.

07. Heard the learned counsel for the parties and perused the case file.

08. A bare perusal of the FIR would show that initially only an offence under Section 223 of BNS was registered by the respondent. However, FIR would show that there was no complaint by the concerned District Magistrate for breach of his order passed under Section 144 of the Code of Criminal Procedure. The FIR says that the petitioner and other six persons violated Clause 2.2 of the order dated 07.06.2024. Thus, an offence of disobedience to order duly promulgated by public servant is made out under Section 223 of BNS according to the Station House Officer of Police Station - Palsud. Thus, he himself acted as complainant and registered FIR without there being any complaint by the concerned District Magistrate.

09. Section 215 of BNSS provides as under:-

> *"215. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.*
> *(1)No Court shall take cognizance-(a) (i) of any offence punishable under sections 206 to 223 (both inclusive but excluding section 209) of the Bharatiya Nyaya Sanhita, 2023; or(ii) of any abetment of, or attempt to commit, such offence; or(iii) of any criminal conspiracy to commit such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate or of some other public servant who is*

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authorised by the concerned public servant so to do;(b) (i) of any offence punishable under any of the following sections of the Bharatiya Nyaya Sanhita, 2023, namely, sections 229 to 233 (both inclusive), 236, 237, 242 to 248 (both inclusive) and 267, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court; or(ii) of any offence described in sub-section (1) of section 336, or punishable under sub-section (2) of section 340 or section 342 of the said Sanhita, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court; or(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.

(2)Where a complaint has been made by a public servant or by some other public servant who has been authorised to do so by him under clause (a) of sub-section (1), any authority to which he is administratively subordinate or who has authorised such public servant, may, order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint: Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded.

(3)In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central or State Act if declared by that Act to be a Court for the purposes of this section.

(4)For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the Principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situated :Provided that-(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be

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deemed to be subordinate;(b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed."

10. It is clear from the perusal of the said section that no Court shall take cognizance of any offence punishable under Sections 206 to 223 of BNS except on the complaint in writing of the public servant concerned or some other public servant to whom he is administratively subordinate or the public servant who is authorised by the concerned public servant so to do. In the present case, there is complete absence of any such complaint in writing by the public servant.

11. As regards the offence under Section 126(2) the allegation in the FIR is that there was an order passed by the District Magistrate on 07.06.2024 imposing ban on any procession in terms of Section 144 of Cr.P.C. The procession was taken out by the petitioner and other six persons in breach of Clause 2.2 of the said order and they ultimately gathered in the premises of police station and raised slogans. It is recorded in the final report that because of their gathering in the police station, there was obstruction preventing the police personnel in discharge their duties. They could not get out of their police station. Thus, an offence under Section 126 of BNS was made out. As the facts of the case would show that the entire act of all seven persons was in line of one and the same transaction. Both the offences i.e. the purported offence under Section 223 of BNS and the offence under Section

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126(2) are integral part of same transaction. They cannot be spilt up in two distinct transactions. Thus, in the considered view of this Court, the requirement of following Section 215 will apply for the entire act including both the offences i.e. Section 223 of BNS as well as 126(2) of BNSS.

12. The Hon'ble Apex Court in the case of ***Devendra Kumar*** (supra) has held in para 35 to 38, 41 to 44, 48, 51, 52 & 59 as under:-

> *35. As a general rule, any person, having knowledge of commission of an offence may set the law in motion by a complaint, even though he is not personally interested or affected by the offence. There are exceptions to this general rule, as evident from Sections 195 and 196 respectively of the Cr.P.C. Section 195 is one of those sections, which prohibits a court from taking cognizance of certain offences unless and until a complaint has been made by some particular authority or person. The other sections, with similar prescriptions, are sections 196 to 199 of the Cr.P.C. respectively. Section 195 of the Cr.P.C. has been enacted as a safeguard against the irresponsible and reckless prosecutions by the private individuals in respect of the offences, which relate to the administration of justice and contempt of lawful authority.*
> *36. It is true that Section 195 of the Cr.P.C. does not bar the trial of an accused for a distinct offence disclosed by the same set of facts and is not so stated therein. Section 195 also does not provide further that if in the course of the commission of that offence, other distinct offences are committed, the court concerned is debarred from taking cognizance in respect of those offences as well. However, having said so, if the perusal of the first information report makes it clear that the offence under Section 186 of the I.P.C. is closely interconnected with another distinct offence(s), which in this case is Section 341 of the I.P.C. and it cannot be split up, then in such circumstances, the bar of Section 195 of the Cr.P.C. will apply to such other distinct offence also.*
> *37. In the aforesaid context, we may refer to the following decisions of this Court;*
> *(i) In the case of State of U.P. v. Suresh Chandra Srivastava & Ors., reported in AIR 1984 SC 1108 a three-judge bench very succinctly*

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explained the provisions of Section 195 of the Cr.P.C. and stated that if the other distinct offences form an integral part of the offences as enumerated under Section 195 Cr.P.C so as to fall under the same transaction, then those distinct offences would also be covered under the ambit of Section 195 Cr.P.C. The relevant observations are as under: -

"6. In these circumstances, therefore, it is not necessary for us to go into the broader question as to whether if offences under Sections 467, 471 and 120-B IPC are committed, the complaint could proceed or not. The law is now well settled that where an accused commits some offences which are separate and distinct from those contained in section 195, section 195 will affect only the offences mentioned therein unless such offences form an integral part so as to amount to offences committed as a part of the same transaction, in which case the other offences also would fall within the ambit of sec. 195 of the Code."

(Emphasis supplied)

(ii) In the case of State of Karnataka vs. Hemareddy & Anr. reported in AIR 1981 SC 1417, this Court held that in the cases where in the course of the same transaction, an offence, for which, no complaint by a court is necessary under Section 195(1)(b) of the Cr.P.C., and an offence, for which, a complaint of a Court is necessary under that sub-section, are committed, it is not possible to split up and hold that the prosecution of the accused for the offences not mentioned in Section 195(1)(b), Cr.P.C. should be upheld. We may quote the observation as contained in para 8. The same reads as under: -

"8. We agree with the view expressed by the learned Judge and hold that in cases where in the course of the same transaction an offence for which no complaint by a court is necessary under s. 195(1)(b) of the Code of Criminal Procedure and an offence for which a complaint of a court is necessary under that sub-section, are committed, it is not possible to split up and hold that the prosecution of the accused for the offences not mentioned in s. 195(1)(b) of the Code of Criminal Procedure should be upheld."

(Emphasis supplied)

(iii) In the case of Saloni Arora vs. State of NCT of Delhi, [Criminal Appeal No.64 of 2017], decided on 10.01.2017, this Court explained the object of Section 195 of the Cr.P.C., observing as under:

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"10. As rightly pointed out by the learned counsel for the parties on the strength of law laid down by this Court in the case of Daulat Ram vs. State of Punjab, (AIR 1962 SC 1206) that in order to prosecute an accused for an offence punishable under Section 182 IPC, it is mandatory to follow the procedure prescribed under Section 195 of the Code else such action is rendered void ab initio.

11. It is apposite to reproduce the law laid down by this Court in the case of Daulat Ram (supra) which reads as under:

There is an absolute bar against the Court taking seisin of the case under S.182 I.P.C. except in the manner provided by S.195 Cr.P.C. Section 182 does not require that action must always be taken if the person who moves the public servant knows or believes that action would be taken. The offence under S.182 is complete when a person moves the public servant for action. Where a person reports to a Tehsildar to take action on averment of certain facts, believing that the Tehsildar would take some action upon it, and the facts alleged in the report are found to be false, it is incumbent, if the prosecution is to be launched, that the complaint in writing should be made by the Tehsildar, as the public servant concerned under S.182, and not leave it to the police to put a charge-sheet. The complaint must be in writing by the public servant concerned.

The trial under S.182 without the Tehsildars complaint in writing is, therefore, without jurisdiction ab initio.

12. It is not in dispute that in this case, the prosecution while initiating the action against the appellant did not take recourse to the procedure prescribed under Section 195 of the Code. It is for this reason, in our considered opinion, the action taken by the prosecution against the appellant insofar as it relates to the offence under Section 182 IPC is concerned, is rendered void ab initio being against the law laid down in the case of Daulat Ram (supra) quoted above."

(Emphasis supplied)

38. Thus, what is discernible from the decisions referred to above is that if in truth and substance, an offence falls in the category of Section 195, it is not open to the court to undertake the exercise of splitting them up and proceeding further against the accused for the

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other distinct offences. This would depend on the facts of each case. However it cannot be laid as a straitjacket formula that the Court cannot undertake the exercise of splitting up. It would depend upon the nature of the allegations and the materials on record.

41. While deciding whether the distinct offences can be split up, courts must remain circumspect. It is agreed that, the law is not that once the facts of a given case disclose an offence falling within the scope of Section 195 Cr.P.C. and also other offences, prosecution can be launched regarding the latter only upon the complaint of the court or the lawfully authority concerned. To hold otherwise would be to extend the scope of Section 195 Cr.P.C. to regions and horizons not contemplated by the legislature. The facts in a case may give rise to distinct offences including offences against the authority of public servants or against public justice, as also offences against private individuals; the bar under Section 195 of the Cr.P.C. cannot, in such circumstances, affect the offences other than those against public authority or public justice. Prosecution for such other offences does not require the instrumentality of the public authority or court. However, the position may be different when during the course of the same transaction offences falling within the two categories are committed. In such cases, it may not be possible to split up the transaction, and to hold that there can be valid prosecution for offences not mentioned in Section 195 of the Cr.P.C., without the written complaint of the public authority or the court, as the case may be. Courts must be able to see through any attempt to render Section 195 of the Cr.P.C. nugatory by hiding the real nature of the transaction by verbal jugglery. If in principle and substance the offence alleged falls within the categories mentioned in Section 195, the operation of the bar cannot be avoided; if in essence the alleged offence falls outside the categories, the bar would not operate. At the same time, if the facts give rise to distinct offences, some attracting the operation of Section 195 and others not so, the bar can operate only regarding the former and not regarding the latter.

42. Therefore, the courts must ascertain whether during the course of a single transaction, the offences falling within both the categories are committed, in which case it would be difficult to split up the offences or, whether there are two different transactions which occur successively, nevertheless separately and distinctively, in which case the offences may be split up. One another aspect that may be looked into is whether, apart from the offences committed in contempt of lawful authority of public

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servants, or against public justice or, relating to documents given in evidence which fall under the scope of Section 195 Cr.P.C., the other distinct offences are of such a nature that private individuals are aggrieved. In such a scenario, it would not be reasonable to bar a private prosecution by the aggrieved individual for the reason that the public official or the court concerned has also not instituted a complaint.

43. Section 195(1)(a)(i) of the Cr.P.C. bars the court from taking cognizance of the offence punishable under Section 186 I.P.C., unless there is a written complaint by the public servant for voluntarily obstructing him from discharge of his public functions. The object of this provision is to provide for a particular procedure in a case of voluntarily obstructing a public servant from discharging his public functions. The court lacks competence to automatically take cognizance in certain types of offences enumerated therein. The legislative intent behind such a provision has been that an individual should not face criminal prosecution instituted upon insufficient grounds by persons actuated by malice, ill-will or frivolity of disposition and also to save the time of the criminal courts being wasted by endless prosecutions. This provision has been carved out as an exception to the general rule contained under Section 190 Cr.P.C. that any person can set the law in motion by making a complaint, as it prohibits the court from taking cognizance of certain offences until and unless a complaint has been made by some particular authority or person. Other provisions in the Cr.P.C. like sections 196 and 198 respectively do not lay down any rule of procedure, rather, they only create a bar that unless some requirements are complied with, the court shall not take cognizance of an offence described in those Sections. [See: Govind Mehta v. The State of Bihar, AIR 1971 SC 1708; Patel Laljibhai Somabhai v. The State of Gujarat, AIR 1971 SC 1935; Surjit Singh & Ors v. Balbir Singh, (1996) 3 SCC 533; State of Punjab v. Raj Singh & Anr., (1998) 2 SCC 391; K. Vengadachalam v. K.C. Palanisamy & Ors., (2005) 7 SCC 352; Iqbal Singh Marwah & Anr. v. Meenakshi Marwah & Anr., AIR 2005 SC 2119]

44. The test of whether there is evasion or non-compliance of Section 195 Cr.P.C. or not, is whether the facts disclose primarily and essentially an offence for which a complaint of the court or of a public servant is required. In Basir-ul-Haq & Ors. (supra) and Durgacharan Naik & Ors. (supra), this Court cautioned that the provisions of this Section cannot be evaded by describing the offence as one being punishable under some other sections of I.P.C., though in truth and

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substance, the offence falls in a category mentioned in Section 195 Cr.P.C. Thus, cognizance of such an offence cannot be taken by mis-describing it or by putting a wrong label on it.

48. Thus, in view of the above, the law can be summarized to the effect that there must be a complaint by the public servant who was voluntarily obstructed in the discharge of his public functions. The complaint must be in writing. The provisions of Section 195 Cr.P.C. are mandatory. Non-compliance of it would vitiate the prosecution and all other consequential orders. The Court cannot assume the cognizance of the case without such complaint. In the absence of such a complaint, the trial and conviction will be void ab initio being without jurisdiction.

51. A plain reading of Section 195 of the Cr.P.C. would indicate that no Court can take cognizance of an offence punishable under Section 186 of the I.P.C., except upon a complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate. The opening words of the Section are "No Court shall take cognizance", and consequently, the bar created by the provisions is against taking of cognizance by the Court. There is no bar against the registration of a criminal case or investigation by the police agency or submission of a report by the police on completion of the investigation, as contemplated by Section 173 of the Cr.P.C.

52. This Court in Iqbal Singh Marwah v. Meenakshi Marwah reported in AIR 2005 SC 2119, while interpreting Section 195 Cr.P.C. has held as follows: -

"9. [...] This being the scheme of two provisions or clauses of Section 195, viz., that the offence should be such which has direct bearing or affects the functioning or discharge of lawful duties of a public servant or has a direct correlation with the proceedings in a court of justice, the expression "when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in a Court" occurring in clause (b)(ii) should normally mean commission of such an offence after the document has actually been produced or given in evidence in the Court. The situation or contingency where an offence as enumerated in this clause has already been committed earlier and later on the document is produced or is given in evidence in Court, does not appear to be in tune with clauses (a)(i) and (b)(i) and consequently with the scheme of Section 195 Cr.P.C. This indicates that clause (b)(ii) contemplates a situation where the offences enumerated therein are

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committed with respect to a document subsequent to its production or giving in evidence in a proceeding in any Court."

59. We may summarize our final conclusion as under:

(i) Section 195(1)(a)(i) of the Cr.P.C. bars the court from taking cognizance of any offence punishable under Sections 172 to 188 respectively of the I.P.C., unless there is a written complaint by the public servant concerned or his administrative superior, for voluntarily obstructing the public servant from discharge of his public functions. Without a complaint from the said persons, the court would lack competence to take cognizance in certain types of offences enumerated therein.

(ii) If in truth and substance, an offence falls in the category of Section 195(1)(a)(i), it is not open to the court to undertake the exercise of splitting them up and proceeding further against the accused for the other distinct offences disclosed in the same set of facts. However, it also cannot be laid down as a straitjacket formula that the Court, under all circumstances, cannot undertake the exercise of splitting up. It would depend upon the facts of each case, the nature of allegations and the materials on record.

(iii) Severance of distinct offences is not permissible when it would effectively circumvent the protection afforded by Section 195(1)(a)(i) of the Cr.P.C., which requires a complaint by a public servant for certain offences against public justice. This means that if the core of the offence falls under the purview of Section 195(1)(a)(i), it cannot be prosecuted by simply filing a general complaint for a different, but related, offence. The focus should be on whether the facts, in substance, constitute an offence requiring a public servant's complaint.

(iv) In the aforesaid context, the courts must apply twin tests. First, the courts must ascertain having regard to the nature of the allegations made in the complaint/FIR and other materials on record whether the other distinct offences not covered by Section 195(1)(a)(i) have been invoked only with a view to evade the mandatory bar of Section 195 of the I.P.C. and secondly, whether the facts primarily and essentially disclose an offence for which a complaint of the court or a public servant is required.

(v) Where an accused is alleged to have committed some offences which are separate and distinct from those contained in Section 195, Section 195 will affect only the offences mentioned therein. However, the courts should ascertain whether such offences form an integral part and are so

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intrinsically connected so as to amount to offences committed as a part of the same transaction, in which case the other offences also would fall within the ambit of Section 195 of the Cr.P.C. This would all depend on the facts of each case.

(vi) Sections 195(1)(b)(i)(ii) & (iii) and 340 of the Cr.P.C. respectively do not control or circumscribe the power of the police to investigate, under the Criminal Procedure Code. Once investigation is completed then the embargo in Section 195 would come into play and the Court would not be competent to take cognizance. However, that Court could then file a complaint for the offence on the basis of the FIR and the material collected during investigation, provided the procedure laid down in Section 340 of the Cr.P.C. is followed.

13. In view of the above authoritative pronouncement of the Hon'ble Apex Court, it is crystal clear that for taking cognizance of an offence under Section 223 of BNS requirement of Section 215 of BNSS has to be fulfilled. In the present case, the concerned public officer did not submit any such complaint. As such, the trial Court could not have taken cognizance of the matter and as the two offences cannot be split up into two separate transactions, the cognizance under Section 126(2) of BNS could also not have been taken by the trial Court in absence of compliance with Section 215 of BNSS.

14. Apart from this there is one more very significant fact in the present matter. With the final report, the investigating agency has submitted “Crime Detail Form” which was prepared on 08.07.2024. The spot map of the place of incidence has been prepared in the said form. The spot map of the place of incidence provides thus:-

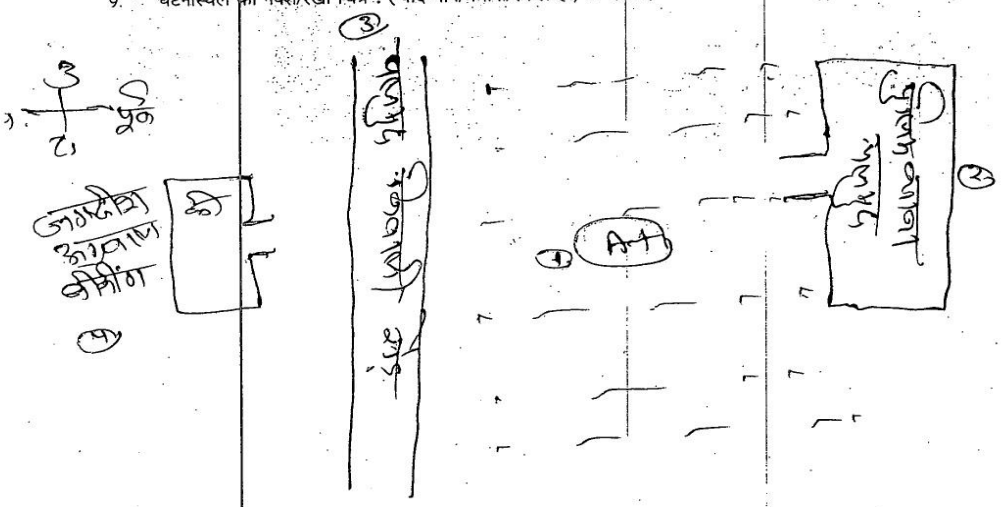
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(48)

8. घटना स्थल पर पहुंचने का दिनांक ... 8.7.24 ..... समय .. 18.00 बजे

9. घटनास्थल का नक्शा/रेखा चित्र : (यदि माप/पैमाना/स्केल हो, तो दर्शाये)



10. घटना स्थल का विवरण :

(1) यह स्थान A-1 से दक्षिण दिशा में करीब 200 मीटर दूरी पर है।
(2) यह स्थान घटनास्थल से लगा हुआ पुलिस थाना पलासुद है।
(3) यह स्थान थाना पलासुद से लगा हुआ पलासुद सिवनी रोड है।
(4) यह स्थान थाना पलासुद के रोड से जगदीश झुग्वाल की बैगा

अनुसंधानकर्ता अधिकारी के हस्ताक्षर

थाना पलासुद

नाम मुकेशराम उइके

पद का. आरक्षक

नम्बर (यदि है) ——

स्थान पुलिस थाना पलासुद (मप्र)

दिनांक 8.7.24

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15. The perusal of the above spot map would show that seven persons were gathered at a place which is at some distance from the building of the police station. As such, even by looking at the spot map prepared by the I.O., no offence under Section 126 of BNS is made out.

16. Petitioner is a bright student who has scored distinction in four subjects out of five subjects in Class-12th. Such a bright student should not be unnecessarily dragged in criminal proceedings spoiling his entire career only for a trivial reason that he accompanied six persons who were agitating against the registration of FIR against some of the members of the tribal community. In view of the above conclusions and settled position of law, in the considered view of this Court, the order taking cognizance is not sustainable in the eyes of law. Consequently, the present petition is allowed. The order dated 16.12.2024 taking cognizance passed in RCT No. 817/2024 and the FIR registered at Crime No. 198/2024 at P.S. Palsud, Dist. Barwani and resultant charge-sheet are hereby quashed. Petition stands **allowed** in the above terms.

(PAVAN KUMAR DWIVEDI)
JUDGE

soumya