

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

WP No. 5058 of 2024

(ATUL MANDLEKAR Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 20-03-2024

Shri Saurabh Kumar Sharma - Advocate for the petitioner.

Shri Swapnil Ganguly - Deputy Advocate General for respondents No.1 to 5/State.

Shri Hemant Namdeo - Advocate for respondents No.6 to 9.

This petition under Article 226 of Constitution of India has been filed seeking following relief(s):-

- "i. That this Hon'ble Court may kindly be pleased to issue writ of mandamus and directing respondent nos. 4 to 5 to conclude the investigation into the crime no/131/14, (Ann.P/1) P.S. Balaghat, District-Balaghat as early as possible and to take necessary steps as required under the law within time bound period i.e. 30 days.
- ii. That, this Hon'ble Court may kindly be pleased to issue writ of mandamus and directing respondent nos. 3-4 to while making investigation into the crime the earlier IO may not come into the way into the crime no/131/14, P.S. Balaghat, District-Balaghat & further the pending representation/ complaint (P/3-P/5) may be directed to decided.
- iii. That, this Hon'ble Court may kindly be pleased to issue writ of mandamus and directing respondent nos. 3-4 make inquiry against the responsible officer who violated the decision of this court in

Rajendra Singh Pawar vs State of M.P. and otehrs, reported in I.L.r. [2021] m.p. 289 as they not obey the M.P. Police Regulations Act reads as under:- "634. The General Diary:-"

2. This picture shows a sorry state of affairs of the Police Department working in the District of Balaghat. On an FIR lodged by the complainant, a closure report was filed in the year 2017 and closure report was rejected by the Magistrate in the year 2017 only. Thereafter Police did not take any action and accordingly, this petition has been filed.
3. This Court by order dated 12/03/2024 had passed the following order:-

Shri Sourabh Kumar Sharma - Advocate for the petitioner.

Smt.Swati Aseem George - Deputy Government Advocate for the respondents/State.

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs :-

- i. That this Hon'ble Court may kindly be pleased to issue writ of mandamus and directing respondent nos. 4 to 5 to conclude the investigation into the crime no/131/14 (Ann. P/1), P.S. Balaghat, District- Balaghat as early as possible and to take necessary steps as required under the law within time bound period i.e. 30 days.
- ii. That, this Hon'ble Court may kindly be pleased to issue writ of mandamus and directing respondent nos. 3-4 to while making investigation into the crime the

earlier IO may not come into the way into the crime no/131/14, P.S. Balaghat, District- Balaghat & further the pending representation/complaint (P/3-P/5) may be directed to decided.

iii. That, this Hon'ble Court may kindly be pleased to issue writ of mandamus and directing respondent nos. 3-4 make inquiry against the responsible officer who violated the decision of this court in **Rajendra Singh Pawar vs State of M.P. and others, reported in L.L.R. (2021) M.P. 289** as they not obey the M.P Police Regulations Act reads as under: "634. The General Diary:-

In compliance of order dated 06.03.2024, the case diary has been produced in a sealed cover.

The necessary facts are that an FIR in Crime No.131/2014 was lodged by the petitioner at Police Station Kotwali, Balaghat for offences under sections 448, 452, 294, 427 and 506 of IPC. The police after concluding the evidence filed a closure report.

The petitioner also submitted his protest petition. The CJM, Balaghat by order dated 21.09.2017 rejected the closure report and directed for further investigation. It is the case of petitioner that after closure report was rejected, nothing has been done.

However, it is submitted by counsel for State that after the closure report was accepted, the Investigating Officer conducted the further investigation and recorded the statements of Devendra Soni and Smriti Nagpure on 22.07.2021 and 21.07.2021. The supplementary statement of Avinash Mandlekar was also recorded on 15.02.2021, who also informed that he is making the statement on the basis of the information given by his mother and wife.

Thus, although the aforesaid fact is mentioned in the summary sent by the SHO, Police Station Kotwali, Balaghat dated 10.03.2024, which is addressed to the Government Advocate, High Court of M.P. but the photocopy of the case diary, which has been sent in a sealed cover, does not contain the diary proceedings of further investigation done by the police. The diary, which has been sent in a sealed cover is incomplete.

Be that whatever it may be.

Accordingly, the counsel for State was directed to point out as to whether the police can sit over the matter or has to file the final report (Closure report or the chargesheet)?. It is submitted by counsel for State that the further proceedings shall be taken up.

Considered the submissions made by counsel for the parties.

By order dated 21.09.2017 the closure report filed by the respondent was rejected by CJM, Balaghat. As per the summary of further investigation done by the SHO, statements of Devendra Soni and Smriti Nagpure were recorded on 22.07.2021 and 21.07.2021. Thereafter nothing has been done.

Thus, it is clear that initially the police took approximately 4 years to record the statements of two more witnesses after the closure report was rejected and thereafter more than 2-1/2 years have passed, nothing has been done by SHO, Police Station Kotwali, District Balaghat.

Under these circumstances, the Superintendent of Police, Balaghat is directed to file his response to the following issues :-

1. Once an FIR is lodged, whether the Police is obliged to file a final report (closure report or the chargesheet) or not?
2. Whether the police can sit over its investigation without filing the final report in the Court or not?
3. In the present case, the order was passed by CJM, Balaghat; thereby

rejecting the closure report on 29.01.2017. Thereafter, the police took almost 4 years to record the statements of of Devendra Soni and Smriti Nagpure and i.e. on 22.07.2021 and 21.07.2021. Thereafter, more than 2-1/2 years have passed but the police have not taken any action. Accordingly, the Superintendent of Police, Balaghat is directed to explain as to whether such an act of SHO, Balaghat is in accordance with law or not?

4. The Superintendent of Police, Balaghat is also directed to point out as to whether in the crime control meeting held on monthly basis, the concerning SHO had ever informed him about the pendency of this investigation or not and if yes, then what instructions were issued by the Superintendent of Police, Balaghat in that regard and if no information was given, then whether such an act of the SHO, Police Station Kotwali, Balaghat is in accordance with law or not? If the information was given during the crime control meeting, then why no action was taken by the Superintendent of Police, Balaghat to conclude the investigation at the earliest, which is also the mandate of section 173(1) of CrPC.

5. The Superintendent of Police shall also file the minutes of every crime control monthly meeting headed by him after his joining as Superintendent of Police, Balaghat.

Let the reply be filed latest by 18th of March, 2024.

List this case on **19.03.2024**.

The case diary, which was produced by the State counsel is returned back to the State counsel for keeping it in the safe custody in a sealed cover."

4. It appears that Superintendent of Police, Balaghat instead of taking up the matter on his own, delegated his Authority to Additional Superintendent of Police, Balaghat to look into the matter, and according to Shri Swapnil Ganguly, Additional Superintendent of Police, Balaghat could not conclude the enquiry even after expiry of four days.

5. Be that whatever it may be.

6. On 19/03/2024, Shri Anjul Ayank Mishra, CSP Balaghat was present on his own because this Court had not directed for personal appearance of any Officer. It was submitted that present T.I. Police Station, Kotwali has been placed under suspension. Since CSP, Balaghat had not brought the *Jarayam* Register, therefore case was adjourned for today.

7. It was submitted by Shri Anjul Ayank Mishra, CSP Balaghat that in the *Jarayam* Register, the summary of the proceedings conducted by the Investigating Officer are also mentioned and the fact of filing closure report on 29/09/2017 is also mentioned indirectly.

8. Accordingly, he was directed to point out from the last entry as to whether filing of the closure report is mentioned therein or not?

9. By referring to the entry dated 29/09/2017, it is submitted that although the filing of the closure report has not been mentioned specifically but gist of the entry indicates that closure report was filed because it also contains the case number i.e.96/14.

10. It is submitted by Shri Anjul Ayank Mishra, CSP Balaghat that as per the *Rojnamcha Sanha* dated 29/09/2017, closure report was filed but

it was returned by the concerning Magistrate with a direction to conduct further investigation.

11. The *Rojnamcha Sanha* dated 29/09/2017 which was provided by CSP Balaghat reads as under:-

“मध्य प्रदेश शासन (पुलिस विभाग)
रोजनामचा विवरण

जिला : बालाघाट थाना : बालाघाट कोतवाली
दिन : शुक्रवार दिनांक : 29/09/2017 समय : 11:46

प्रविष्टि क्रमांक	प्रविष्टि का प्रकार	समय	ब्योरे	सन्दर्भ
022	अनुसंधान रिपोर्ट	11:46	रोजनामचा प्रविष्टि सहायक उप – निरीक्षक/BHIMRAO MESHARAM के लिए प्रधान सिपाही/YESHU LAL BAHESWAR द्वारा की गयी : बजे सूचना मुझ सउनि भीमराव मेश्राम से है कि अप. क्र. 131/14 धारा 448,294,427,506,452 ताहि की विवेचना अपराध सदर की डायरी थाना प्रभारी महोदय द्वारा अग्रिम विवेचना हेतु प्राप्त हुई। डायरी का अवलोकन किया अपराध सदर की कायमी 06/03/14 को उनि जगदीश गोयल द्वारा शिकायत क्र.पु.अ./बाला./शिका./जनता /204/14 दिनांक 31/01/14 पर आरोपी ज्योति पाठक एवं अशोक श्रीवास्त के विरुद्ध की जाकर विवेचना की गई है, एवं बाद अपराध विवेचना के प्रकरण मे दौरान घटना घटित	विवेचना अप.क्र. 131/14 धारा 448,294, 427,506,452 ताहि की

			<p>होने के संबंध में साक्ष्य नहीं मिलने पर सहायक जिला लोक अभियोजन अधिकारी बालाघाट से राय उपरांत वरिष्ठ कार्यालय से खारजी चाक अनुमति प्राप्त कर खारजी क्र. 06/14 दिनांक 27/09/14 को चाक किया गया, एवं माननीय न्यायालय बालाघाट के समक्ष खारजी स्वीकृति हेतु पेश किया गया था जो माननीय न्यायालय मुख्य न्यायिक मजिस्ट्रेट बालाघाट द्वारा दिनांक 21/09/17 को आदेश पारित किया गया है कि उक्त मामले में विधिवत् विवेचना किया जावे खारजी योग्य न पाये जाने से विवेचना करने के पश्चात जिस अपराध का घटित होना पाया जाय उस अपराध के संबंध में अभियोग पत्र न्यायालय पेश किया जाय पत्र प्राप्त हुआ है। अपराध सदर में माननीय न्यायालय से प्राप्त पत्र का अवलोकन का थाना प्रभारी महोदय के समक्ष प्रस्तुत कर संपूर्ण हालात थाना प्रभारी महोदय को बताया गया। इस संबंध में पुनः जिला अभियोजन अधिकारी बालाघाट से विधिवत् राय प्राप्त कर विधिवत् कार्यवाही की जाती।</p>	
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12. Thus, it is clear that the Magistrate had rejected the closure report which was filed on 29/09/2017 with specific direction to conduct further

investigation but Investigating Officer instead of following the orders passed by the concerning Court sat over the matter.

13. Accordingly, CSP Balaghat was directed to go through the case diary and to point out as to whether any further investigation was done by Investigating Officer or not?

14. After going through the Police case diary, it was fairly conceded by Shri Anjul Ayank Mishra, CSP Balaghat that no further investigation was done by Investigating Officer after rejection of the closure report and the diary was opened for the first time on 22/07/2021. Therefore, it is clear that the Investigating Officer was out and out to flout the orders of the Court for the reasons best known to him which requires a thorough investigation.

15. It is further submitted that in the *Jarayam* Register, it is mentioned that one closure report was filed on 01/11/2014 containing MJCR No.013718/2014.

16. Since the endorsement which is in red colour also contains the case number as MJCR/013718/2014, therefore it appears that first closure report was filed sometime in the year 2014 which was not accepted by the Magistrate.

17. Be that whatever it may be.

18. One thing is clear that after the closure report dated 29/09/2017 was rejected with a clear direction to conduct further investigation, nothing was done by the Investigating Officer.

19. Furthermore, it was also not mentioned in the *Jarayam* Register that the investigation is closed. Accordingly, it is clear that even according to the records of the Police Department, investigation was

pending but still Officers inspecting the Police Station conveniently ignored the said aspect.

20. It is not out of place to mention here that in the *Jarayam* Register, after entry dated 29/09/2017 has been made, another entry has been made which reads as under:-

“खारिजी पेश दिनांक 15.3.24, न्यायालय माननीय CJM
महोदय Case No.MJCR/ 33/24/15.3.2024.”

21. It is submitted by Shri Anjul Ayank Mishra, CSP Balaghat that after conducting further investigation now the closure report has been filed which is still pending consideration before the Court of CJM, Balaghat.

22. Since the closure report is pending consideration, therefore this Court would not like to make any comment on the merits of the case but would certainly like to consider whether the negligence on the part of the Investigating Officer as well as supervising Officers amounts to negligence or they were out and out to act in a particular manner with an intention to give undue advantage to any other person.

23. Accordingly, Shri Anjul Ayank Mishra, CSP Balaghat was directed to explain as to what steps were taken by him to look into the matter.

24. It was submitted by Shri Anjul Ayank Mishra, CSP Balaghat that he has recently joined. Accordingly, he was directed to disclose the date of his joining. Then he submitted that he had joined on 22/04/2022.

25. It is really surprising that even after spending one year & 11 months, CSP Balaghat is of the view that he has recently joined.

26. Be that whatever it may be.

27. It is for the Director General of Police, State of M.P. as well as for the State Government to look into the conduct of their Officers.

28. Accordingly, CSP Balaghat was directed to point out from *Jarayam* Register or from the Police case diary as to whether there is any entry with regard to holding of any further investigation or not?

29. After going through Police case diary, it is submitted by Shri Anjul Ayank Mishra, CSP Balaghat that as per the statements which are the part of Police case diary, statement of Smt. Jyoti, one of the accused was recorded on 25/01/2021, statement of one Shekhar was recorded on 15/02/2021, statement of one Smrati Kumar Nagpure was recorded on 21/07/2021 and statement of Shri Devendra was recorded on 22/07/2021.

30. Accordingly, Shri Anjul Ayank Mishra, CSP Balaghat was directed to point out from the case diary as to whether any case diary proceedings were written on 25/01/2021, 15/02/2021 and 21/07/2021 pointing out that the statements of Smt. Jyoti, Shekhar and Smrati Kumar Nagpure were recorded on the said dates or not?

31. It is fairly conceded by Shri Anjul Ayank Mishra, CSP Balaghat that Police case diary does not contain the case diary proceedings of the said dates. It was further submitted by Shri Anjul Ayank Mishra, CSP Balaghat that **ideally** the Investigating Officer must record the proceedings in the case diary on the date when the investigation was done but in the present case it has not been done.

32. Accordingly, Shri Anjul Ayank Mishra, CSP Balaghat was directed to explain the the meaning of word "**ideally**" and was directed to point out from the Police Regulations as to whether Investigating

Officer is required to record the daily proceedings or he can write on any subsequent date as per his convenience.

33. By referring to paragraph 642 of Police Regulations, it was fairly conceded by Shri Anjul Ayank Mishra, CSP Balaghat that daily action taken by Investigating Officer has to be recorded in the case diary. However, it is fairly conceded that the Investigating Officer did not record the Police diary proceedings on 25/01/2021, 15/02/2021 and 21/07/2021.

34. Daily case diary proceedings are generally recorded to cross-check the action taken by the Investigating Officer. Once there is no document to cross-check as to whether Investigating Officer had really recorded the statements of Smt. Jyoti on 25/01/2021, Shekhar on 15/02/2021, Smrati Kumar Nagpure on 21/07/2021, then there is every possibility that the Investigating Officer must have concocted and created false statements of abovementioned witnesses as well as accused.

35. Be that whatever it may be.

36. Police case diary contains the case diary proceedings dated 22/07/2021, which reads as under:

अनुसंधान दैनंदिनी
धारा 172 सी.आर.पी.सी.

अप क्रमांक - 131/2014

रो.सा.-72/22.07.2021

धारा-448,294,427,506,452 भादवि

<p>प्रारंभ डायरी दि. 22.07.2021</p>	<p>प्रकरण सदर की केस डायरी मुझ सउनि भीमराव मेश्राम के द्वारा पार्श्व अंकित दिनांक समय स्थान पर लेख कार्य से प्रारंभ की गई। प्रकरण सदर मे माननीय न्यायालय द्वारा 21.09.17 को मामले मे विधिवत विवेचना किया जाकर विवेचना करने के पश्चात अपराध का घटित होना पाया जाये उस अपराध के</p>
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<p>करने पुनः पूछताछ घटना स्थल के आसपास पड़ोसी से पूछताछ प्रार्थी से लेने प्रकरण में पुनः आदेश निर्देश नगर पुलिस अधीक्षक महोदय थाना प्रभारी महोदय एवं वरिष्ठ अधि. से पुनः राय जिला अभि. अधिकारी से बाद राय के करने डायरी खात्मा स्वीकृति हेतु माननीय न्यायालय के समक्ष</p> <p>स्थगित डायरी 22.07.2021</p>	<p>संबंध में अभियोजन न्यायालय पेश किया जाने लेख करने पर माननीय न्यायालय के आदेश का थाना प्रभारी महोदय एवं वरिष्ठ अधिकारियों को हालात से अवगत कराया गया प्रकरण सदर में पूर्व में भी जिला अभियोजन बालाघाट के समक्ष प्रकरण में कराया गया प्रकरण सदर में पूर्व में भी जिला अभियोजना बालाघाट के समक्ष प्रकरण में विधिक राय हेतु पत्र प्रेशित किया गया था जो अभियोजन अधिकारी द्वारा लिखित आदेश न देकर मौखिक के संबंध में बताया कि पूर्व में अभियोजन अधिकारी द्वारा प्रकरण खारजी योग्य होना एवं जो विवेचना आर.के बैस निवर्तमान उपनिरीक्षक कोतवाली बालाघाट द्वारा प्रकरण में विधिक राय ली गई थी। एवं बाद वरिष्ठ कार्यालय से अनुमति उपरान्त प्रकरण में खारजी क्रमांक 06/14 दिनांक 27.09.2014 अनुसंधान अधिकारी सुमेरसिंह जगत उप निरीक्षक कोतवाली बालाघाट द्वारा खारजी चाक की गई थी प्रकरण सदर में पुनः प्रार्थी शेखर अविनाश मंडलेकर से पूछताछ कर कथन लेख किये गये एव पड़ोसी स्मृति, देवेन्द्र, अशोक सोनी से पूछताछ किया गया। प्रार्थी द्वारा पत्नि साची मंडलेकर की फौत हो जाना बताया एवं पड़ोसिया द्वारा पूछताछ पर घटना दिनांक के संबंध में कोई जानकारी नहीं होना बताया गया। प्रकरण सदर में संपूर्ण हालात से थाना प्रभारी महोदय एवं वरिष्ठ अधिकारीगणों को अवगत कराया गया जो प्रकरण में अपराध घटित के संबंध में कोई भी साक्ष्य न होने खारजी योग्य होने से अभियोजन अधिकारी बालाघाट की राय बाद माननीय न्यायालय में प्रकरण की डायरी खारजी हेतु स्वीकृत कराने आदेश निर्देश दिये गये हैं जो पुनः प्रकरण की डायरी बाद राय अभि. अधिकारी के माननीय न्यायालय के समक्ष खारजी स्वीकृत हेतु प्रस्तुत की जाती है। प्रकरण की विवेचना जारी है।</p> <p>प्रकरण सदर की डायरी दिनांक समय स्थान को लेखन कार्य से स्थगित की गई।</p>
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37. In the case diary proceedings, there is no mention that the statements of Smt. Jyoti, Shri Shekhar, Shri Smrati Kumar Nagpure were recorded on 25/01/2021, 15/02/2021 and 21/07/2021 but it is projected from the case diary proceedings dated 22/07/2021 that the

statements of the witnesses were recorded on the said date i.e. 22/07/2021. Thus, it is clear that the Investigating Officer was manipulating the records and it was not noticed by the officers having supervisory power.

38. Furthermore, it is fairly conceded by Shri Anjul Ayank Mishra, CSP Balaghat that no *Rojnamcha Sanha* of 25/01/2021, 15/02/2021 and 21/07/2021 are in existence to corroborate the recording of statements of Smt. Jyoti, Shri Shekhar and Shri Smrati Kumar Nagpure on the aforesaid dates.

39. Thus, in all probabilities the Investigating Officer has created and concocted the statements by projecting them to be the statements of witnesses and the accused.

40. It is also not known as to whether the Investigating Officer had visited their houses or the witnesses as well as the accused were summoned in Police Station. Even from the case diary proceedings dated 22/07/2021, it is not clear that the Investigating Officer had ever visited the house of Devendra or Devendra was called in the Police Station. The Police case diary also does not contain any notice issued to any of the witness to indicate that they were ever called by the Investigating Officer in the Police Station. Thus, even the Police case diary proceedings dated 22/07/2021 are under the cloud of suspicion and it appears that nothing was done except creating the false documents and that is why all these proceedings do not find place in the *Jarayam* Register. Thereafter, the misdeeds of the Investigating Officer did not come to an end and then he again conveniently sat on the matter.

41. The Superintendent of Police, Balaghat in his affidavit has stated that during the monthly crime control meeting, this case was not shown pending and therefore, it was not within his knowledge that this

investigation is pending.

42. It is really surprising that in the *Jarayam* Register it has not been disclosed that this investigation is over, still it was being projected by the Investigating Officer as well as the concerning SHO, Police Station Kotwali Balaghat as closed investigation. Why the SHO, Police Station Kotwali Balaghat was showing such keen interest by showing this investigation as closed, is also a matter of investigation. However, the darker side of the picture is yet to come.

43. This Court by order dated 12/03/2024 had directed the Superintendent of Police, Balaghat to file his affidavit but instead of taking up the matter in his own hand and looking at the documents and making an attempt to file a proper affidavit, it appears that he also dealt with the case in most casual manner.

44. It is submitted by Shri Swapnil Ganguly that on 16/03/2024, the matter was handed over to the Additional Superintendent of Police to conduct an enquiry.

45. It is really shocking that the Superintendent of Police, Balaghat instead of conducting an enquiry on his own delegated the matter to Additional Superintendent of Police, Balaghat, who also sat conveniently knowingly well that the case was listed for 19/03/2024 for consideration of affidavit of Superintendent of Police, Balaghat.

46. It is submitted by Shri Swapnil Ganguly that some reasonable time is required for the Additional Superintendent of Police, Balaghat to look into the affairs.

47. It is really surprising that the entire controversy revolves in three documents; *Jarayam* Register, *Rojnamcha Sanha* and Police case diary. Still, the Additional Superintendent of Police, Balaghat was not in a position to conclude the enquiry within a period of four days, whereas

the entire illegalities were detected by this Court within two minutes after looking at all the three documents.

48. Thus, it appears that the entire effort of the Superintendent of Police, Balaghat as well as the Additional Superintendent of Police, Balaghat is to protect the Police Officers, who were malafidely acting in the present case.

49. Accordingly, the Director General of Police, State of Madhya Pradesh is directed to conduct an enquiry into the matter and fix the responsibility of Superintendent of Police, Balaghat, Additional Superintendent of Police, Balaghat, Shri Anjul Ayank Mishra, CSP Balaghat, present SHO, Police Station Kotwali Balaghat, the then SHO, Police Station Kotwali Balaghat as well as the Investigating Officer.

50. This Court has already come to a conclusion that the Investigating Officer as well as the then SHO, Police Station Kotwali, District Balaghat were out and out to give undue advantage to the accused persons because first of all they took four years to file the closure report (this finding is not final because the *Jarayam* Register also contains a date that on 01.11.2014 one more closure report was filed and the outcome of the said closure report is not known). Thereafter, without making any corresponding entry as required under the different provisions of Police Regulations, the documents were created by falsely showing that the investigation has been done and again the matter went in hibernation and the Investigating Officer was all the time sleeping over the matter and neither the then SHO, Police Station Kotwali, District Balaghat took any pains to verify about the status of pending investigation nor the the CSP, Balaghat also did take any pains.

51. Accordingly, this Court is of considered opinion that the Investigating Officer and the then SHO, Police Station Kotwali,

Balaghat have *prima facie* committed an offence under Section 13(1)(d) of Prevention of Corruption Act (since all these things happened prior to the amendment in the Prevention of Corruption Act in the year 2018, therefore, this Court has referred to the pre-amended section of Prevention of Corruption Act).

52. Accordingly, the Director General of Police, State of Madhya Pradesh is directed to register an offence punishable under Section 13(1)(d) of Prevention of Corruption Act against the then Investigating Officer and the then SHO, Police Station Kotwali, District Balaghat.

53. The Director General of Police is also directed to verify as to whether any other person has any role to give undue advantage or not? If it is found that some more persons had given undue advantage and committed the offence punishable under the Prevention of Corruption Act, then they can also be implicated in the said offence.

54. Let the report be submitted within a period of **one month** from today.

55. List this case on **22/04/2024**.

56. It is made clear that the investigation/enquiry shall be conducted by the Director General of Police, State of Madhya Pradesh only and he would not delegate or assign this duty to any officer.

57. The report must be filed with the affidavit of Director General of Police, State of Madhya Pradesh.

58. The Police case diary as well as *Jarayam* Register are returned back.

59. At this stage, it is submitted by Shri Swapnil Ganguly that instead of directing the Director General of Police, State of Madhya Pradesh to conduct an enquiry some another officer like Inspector General may be directed to do the needful.

60. Considered the submissions made by counsel for the State.
61. This Court by order dated 12/03/2024 had directed the Superintendent of Police, Balaghat to submit his affidavit explaining the issues mentioned in the said order.
62. Shockingly, the Superintendent of Police, Balaghat did not take the order seriously and in his turn handed over the enquiry to the Additional Superintendent of Police, Balaghat. If the Police Officers are not ready to take the orders of the Court with seriousness and if they are not ready to realize the mistakes which are being committed by their own Department, then this Court is left with no other option but to direct the Director General of Police to conduct the enquiry by himself so that he can realize the malafide actions which are being done by his subordinate Police Officers, thereby jeopardizing the rights of the citizens of the country.
63. Accordingly, the prayer for assigning the enquiry to some other officer except the Director General of Police, State of Madhya Pradesh is hereby **rejected**.

(G.S. AHLUWALIA)
JUDGE

S.M.