

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
MCRC No. 27254 of 2024**

*(ABHISAR VERMA Vs THE STATE OF MADHYA PRADESH AND OTHERS)*

**Dated : 10-07-2024**

Shri S.K. Shrivastava, learned counsel for the petitioners.

Shri P.S. Raghuvanshi, learned Public Prosecutor for the respondents/State.

1. The present petition under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed for making fair investigation on the representation/complaint as made by the petitioner.

2. The petitioner is aggrieved by the arbitrary and vitiated actions of the respondents/police authorities, where they are not taking any legal actions in the matter of petitioner, where he has made police complaint alongwith documents with regard to make fair investigation/taken legal actions in the matter of the petitioner where the offenders (respondent No.4) has committed a cognizable offence punishable under Section 316(5) Bhartiya Nyay Sanhita, 2023.

3. At the outset, learned Public Prosecutor Shri P.S. Raghuvanshi, 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; Aleque Padamsee and others Vs. Union of India and others, (2007)6 SCC 171 and Shweta Bhadauria Vs State of M.P. and others, 2017(1) MPJR 247** and submitted that the proper remedy available to the petitioner is to approach the competent Court of criminal jurisdiction under the provisions of Section 156(3) of Cr.P.C., and therefore, the present petitioner under Section 528 of Bhartiya Nagrik Suraksha Sanhita,

2023 is not maintainable.

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

5. Admittedly, the petitioner by way of the present petition wants that directions be issued to the respondent authorities to make fair investigation in the matter of the petitioner where the offenders (respondent No.4) has committed a cognizable offence punishable under Section 316(5) Bhartiya Nyay Sanhita, 2023. This Court is in agreement with the arguments advanced by the learned Public Prosecutor, Shri P.S. Raghuvanshi 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 is advised to approach the concerned magistrate for redressal of his grievance.

6. The petition being devoid of substance, is hereby **dismissed**.

E-copy/Certified copy as per rules/directions.

(MILIND RAMESH PHADKE)  
JUDGE

