



IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 27th OF MARCH, 2025

MISC. CRIMINAL CASE No. 12649 of 2025

AJAY SINGH RANA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

None for applicant, even in the second round.

Dr. Anjali Gyanani – Public Prosecutor for respondent/State.

ORDER

This application, under Section 528 of B.N.S.S., 2023, has been filed seeking direction to respondents to conduct free, fair and impartial investigation in Crime No.98 of 2025 registered at Police Station Morar, District Gwalior (M.P.).

2. Applicant is the complainant and FIR was lodged on 01.03.2025.
3. Now, the only question for consideration is as to whether this Court has jurisdiction to supervise investigation or not?
4. The Supreme Court in the case of **Manohar Lal Sharma Vs. Principal Secretary and others, reported in (2014) 2 SCC 532**, has held as under:-

"38. The monitoring of investigations/inquiries by the Court is intended to ensure that proper progress takes place without directing or channelling the mode or manner of investigation. The whole idea is to retain public confidence in the impartial inquiry/investigation into the



alleged crime; that inquiry/investigation into every accusation is made on a reasonable basis irrespective of the position and status of that person and the inquiry/investigation is taken to the logical conclusion in accordance with law. The monitoring by the Court aims to lend credence to the inquiry/investigation being conducted by CBI as premier investigating agency and to eliminate any impression of bias, lack of fairness and objectivity therein.

39. However, the investigation/inquiry monitored by the court does not mean that the court supervises such investigation/inquiry. To supervise would mean to observe and direct the execution of a task whereas to monitor would only mean to maintain surveillance. The concern and interest of the court in such "Court-directed" or "Courtmonitored" cases is that there is no undue delay in the investigation, and the investigation is conducted in a free and fair manner with no external interference. In such a process, the people acquainted with facts and circumstances of the case would also have a sense of security and they would cooperate with the investigation given that the superior courts are seized of the matter. We find that in some cases, the expression "Courtmonitored" has been interchangeably used with "Court-supervised investigation" Once the court supervises an investigation, there is hardly anything left in the trial. Under the Code, the investigating officer is only to form an opinion and it is for the court to ultimately try the case based on the opinion formed by the investigating officer and see whether any offence has been made out. If a superior court supervises the investigation and thus facilitates the formulation of such opinion in the form of a report under Section 173(2) of the Code, it will be difficult if not impossible for the trial court to not be influenced or bound by such opinion. Then trial becomes a farce. Therefore, supervision of investigation by any court is a contradiction in terms. The Code does not envisage such a procedure, and it cannot either. In the rare and compelling circumstances referred to above, the superior courts may monitor an investigation to ensure that the investigating agency conducts the investigation in a free, fair and time-bound manner without any external interference."

5. Furthermore, if applicant is of the view that investigation is not being done in a proper manner, he can approach the concerning Magistrate under Section 156(3) of Cr.P.C.



6. The Supreme Court in the case of **Sakiri Vasu Vs. State of Uttar Pradesh and Others** reported in **(2008) 2 SCC 409** has held as under:-

“24. In view of the abovementioned legal position, we are of the view that although Section 156(3) is very briefly worded, there is an implied power in the Magistrate under Section 156(3) CrPC to order registration of a criminal offence and/or to direct the officer in charge of the police station concerned to hold a proper investigation and take all such necessary steps that may be necessary for ensuring a proper investigation including monitoring the same. Even though these powers have not been expressly mentioned in Section 156(3) CrPC, we are of the opinion that they are implied in the above provision.”

7. Thus, applicant has an alternative, efficacious remedy of approaching the concerning Magistrate, seeking direction for free and fair investigation.

8. Accordingly, no case is made out warranting interference. Application fails and is hereby *dismissed*.

(G.S. Ahluwalia)
Judge