

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 2 of 2026

(ANIL KUMAR MISHRA Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 04-01-2026

Shri Shri J.P.Mishra, Shri Pawan Pathak, Shri Rajiv Sharma, Shri Rishi Kumar Katare, Shri Deshraj Bhargav, Shri Neeraj Bhargav, Shri Pawan Sharma, Shri Ravi Tripathi, Shri Akram Khan, Shri Prabhat Hinnariya, Shri Jaishankar, Shri Mayank Chaturvedi, Shri Anil Rajput, Shri Manish Chandra, Shri Hariom Tiwari, Shri Akhalesh Dubey, Shri Narendra Yogi, Shri Nihal Rai, Shri Mayank Mohan Chaturvedi, Advocates for petitioner.

Shri Prashant Singh, Advocate General with Shri Bramha Datt Singh, Additional Advocate General through Video Conferencing, Shri Vivek Khedkar, Additional Advocate General, Shri Deependra Singh Kushwaha, Additional Advocate General, Shri Sanjay Singh Kushwaha, Government Advocate and Shri Dharmendra Nayak, Government Advocate for the State.

Heard on I.A.No.16/2026, an application for amendment in the writ petition.

For the reasons mentioned in the application, the same is **allowed**.

Also heard on I.A.No.19/2026.

This is an application for impleading the complainant as respondent No.5.

In view of provisions of Section 15-A(3) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 as well as in the light of judgment passed by Supreme Court in the case of **Hariram Bhambhi Vs.**

Satyanarayan & Anr., reported in AIR 2021 SC 5601 according to which grant of reasonable opportunity of hearing to the complainant is necessary, I.A.No.19/2026 is **allowed** and complainant is permitted to be impleaded as respondent No.5.

Let necessary amendment be incorporated during the course of the day.

In view of provisions of Section 15-A(3) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, it shall be the duty of Public Prosecutor to inform the complainant.

It is submitted by Shri Vivek Khedkar, Additional Advocate General that an information with regard to pendency of this writ petition was given by police to the wife of younger brother of complainant as complainant was not found at his given address. However, he further submitted that the copy of writ petition was not supplied to the wife of younger brother of complainant.

Section 15-A(3) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 requires that "a victim or his dependent shall have the right to reasonable, **accurate**, and timely notice of any Court proceeding.....". Therefore, non-supply of copy of writ petition to the wife of younger brother of complainant may not meet the requirement of the word "accurate".

Accordingly, Superintendent of Police, Gwalior is directed to ensure supply of amended copy of writ petition either to the complainant personally, or if he is not found at his given address, then to any adult

member of the family of complainant or if adult member of the family refuses to accept the notice or if the house is found locked, then by affixture. In case of affixture, a videography of the same shall also be done. In the FIR, mobile number of the complainant is also mentioned, therefore, a copy of writ petition shall also be forwarded by Investigating Officer on the Whatsapp account of complainant.

Superintendent of Police, Gwalior shall ensure that the copy of writ petition is served on the complainant upto 02:00 PM so that complainant may also get reasonable time to respond.

The State has filed its return.

Respondents No.1 to 4 are granted further time of one day to file additional reply to the pleadings which have been incorporated today.

List this case for further hearing on **05/01/2026** at the top of the list.

It shall be taken up at 10:30 AM irrespective of the serial number at which it might be listed.

(G. S. AHLUWALIA)
JUDGE

(ASHISH SHROTI)
JUDGE

PJS/-