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WP-41584-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&amp;

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 3<sup>rd</sup> OF DECEMBER, 2025WRIT PETITION No. 41584 of 2025*SACHIN SISODIYA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Lakhan Bhawre, Shri Sagar Kharte and Shri Rakesh Kumar  
Ahirwar - Advocates for petitioner.*

*Shri Anand Soni - Additional Advocate General for the respondent /  
State.*

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ORDER

*Per. Justice Vijay Kumar Shukla*

The present petition is filed in the nature of Public Interest Litigation by one Sachin Sisodiya seeking a direction against the respondent No.5 - Saurabh Kushwaha, Reserve Inspector (RI) for registration of FIR in Police Station AJK, District Khargone against respondent No.6 - Rahul Chouhan.

2. Learned counsel for the State raise a preliminary objection regarding maintainability of the present Public Interest Litigation. He has drawn the attention of this Court towards Annex.-P/3 stating that for similar relief a Public Interest Litigation was filed by one Arun i.e. Writ Petition No.34981/2025 and he was represented by one of the counsel i.e. Shri



Rakesh Kumar Ahirwar, advocate, who is also an advocate in the present petition along with Shri Lakhan Bhawre, other advocate and the said petition was dismissed as withdrawn on 04/09/2025, which is reproduced as under:

*"The present petition in the nature of Public Interest Litigation has. been filed by the petitioner seeking justice for one Rahul Chouhan, Constable posted at Police Station Khargone for the incident that took place on 23.08.2025.*

*Shri Lakhan Bhawre, learned counsel submits that he has filed a separate petition on behalf of Rahul Chouhan.*

*Once, the victim himself has approached this Court seeking justice, the present petitioner need not to invoke the jurisdiction of this Court by way of PIL as this issue is related to a citizen who has already approached this Court.*

*At this stage, learned counsel for the petitioner prays for withdrawal of this petition.*

*Prayer is allowed.*

*Accordingly, this petition stands dismissed as withdrawn."*

3.A writ petition i.e. Writ Petition No.35388/2025 was filed by respondent No.5 - Rahul Chouhan in which victim compromised the matter and after verification of compromise by Principal Registrar of this Court, the petition was dismissed as withdrawn *vide* order dated 15/10/2025. Copy of the order dated 15/10/2025 is filed *vide* Document No.16345/2025, which is reproduced hereunder:

*"1. Petitioner is present in person. In compliance of the order dated 14.10.2025 the petitioner appeared before the Principal Registrar of this Court. The Principal Registrar has submitted his report stating that he has identified the petitioner, who has categorically stated that he does not wish to prosecute this petition any further and wants to withdraw the same.*

*2. Thus since the petitioner himself is no longer interested in*



*prosecution of the petition and wants to withdraw the same, his prayer is allowed and the petition is dismissed as withdrawn."*

4. The contention of learned counsel for the State is that the present petition is nothing but an abuse of Public Interest Litigation with ulterior motive to blackmail the private respondent with some personal vengeance. He submitted that repeated petitions are being filed against the said police officer for taking action against him. He has also produced before us certain Screenshots of the Facebook posts, which are taken on record and are reproduced hereunder:

- "1) गद्दार आरक्षक राहुल चौहान तू कही भी तेरा ट्रांसफर करवा ले विरोध तो तेरा वह भी होगा इधर उधर भागने से तू सच्चा साबित नहीं होने वाला ।
- 2) आरक्षक राहुल चौहान के लिए जूतों की माला तैयार रखो वो दूसरा वकील लेके गया हाय कोर्ट केस विड्रॉल करने ।
- 3) ओंकारेश्वर जाने वाले साथी सनावद में एक इंसान के भेस में फालतू कुत्ता घूमते दिखे तो उसका इलाज करके आगे बढ़ना ।
- 4) जोहार ..... गुमशुदा आरक्षक राहुल चौहान किसी को दिखे तो बताना उसका इलाज करना है कुत्ता कांड खरगोन ।
- 5) जोहार लोग आज अपने अपने धन की पूजा करेंगे और हम गद्दार आरक्षक राहुल चौहान की अगर वो मिल गया तो... कुत्ता कांड खरगोन।"

5. It is very surprising that one of the counsel, who had appeared in the earlier Public Interest Litigation i.e. Writ Petition No.34981/2025, apart from the complaint filed this Public Interest Litigation after withdrawing the previous petition.

6. *Prima facie* we are satisfied that the present petition is an glaring example of abuse of Public Interest Litigation. The Apex Court in the case of State of Uttaranchal Vs. Balwant Singh Chaufal and Others reported in (2010) 3 SCC 402 in paragraph 181 of the judgment has held as under:

*"181. We have carefully considered the facts of the present case.*



*We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:*

- (1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.*
- (2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.*
- (3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.*
- (4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.*
- (5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.*
- (6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.*
- (7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.*



*(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations."*

7. In the case of **Chairman, MD, Bhopal Vs. S.P.Gururaja and Others** reported in (2003)8 SCC 576, the Apex Court has held that the conduct of the petitioner filing Public Interest Litigation is very crucial and the court should be circumspect in entertaining any challenge at the instance of unscrupulous petitioners. This Court has also taken similar view in the case of **Devendra Prakash Mishra and Another Vs. State of Madhya Pradesh and Others** (passed in Writ Petition No.1967/2006, on 28/11/2013) referring to the judgment of the Apex Court in the case of **S. P. Gururaja (Supra)**.

8. The Apex court in the case of **Gurpal Singh Vs. State of Punjab and Others** reported in (2005) 5 SCC 136 has held as under:

*"When a particular person is the object and target of a petition styled as PIL, the court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grouse or some other mala fide object. Since in service matters public interest litigation cannot be filed there is no scope for taking action for contempt, particularly, when the petition is itself not maintainable. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good."*

9. Considering the aforesaid judgments and the conduct of the petitioner as well as the material, which has been placed before us in the



form of Facebook Screenshots, we are of the considered view that the present Public Interest Litigation is filed with ulterior motive and is not a genuine PIL, hence the same is dismissed with exemplary cost of Rs.1,00,000/- (Rupees One Lakh Only) to be paid by the petitioner with the High Court Legal Aid Services Authority, Indore , which shall be kept in a different account and the same shall be used for upgrading the Dispensary of High Court, Indore, within a period of one month from today.

10. In case of failure to pay cost within the stipulated period, the same shall be recovered as arrears of land revenue by the concerned Collector. Compliance report in that behalf be also filed in the Registry of this Court immediately after expiry of one month's period.

11. With the aforesaid, writ petition stands dismissed.

(VIJAY KUMAR SHUKLA)  
JUDGE

(BINOD KUMAR DWIVEDI)  
JUDGE

*Tej*