

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

**BEFORE**

**HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA**

**ON THE 25<sup>th</sup> OF APRIL, 2024**

**WRIT PETITION No. 5881 of 2022**

**BETWEEN:-**

**DR. ANJNA SINGH W/O SHRI MAHENDRA SINGH  
CHAUHAN, AGED ABOUT 52 YEARS,  
OCCUPATION: SERVICE PEETAMBARA 24/280  
ARJUN NAGAR REWA (MADHYA PRADESH)**

**.....PETITIONER**

**(NONE)**

**AND**

- 1. THE STATE OF MADHYA PRADESH  
THROUGH ITS PRINCIPAL SECRETARY  
HOME DEPARTMENT POLICE  
MANTRALAYA VALLABH BHAWAN,  
BHOPAL (MADHYA PRADESH)**
- 2. THE DIRECTOR GENERAL OF POLICE,  
POLICE HEADQUARTERS NEAR LAL  
PARADE GROUND JAHANGIRABAD  
BHOPAL DISTRICT BHOPAL (MADHYA  
PRADESH)**
- 3. THE INSPECTOR GENERAL OF POLICE  
REWA REWA ZONE REWA DISTRICT REWA  
(MADHYA PRADESH)**
- 4. THE SUPERINTENDANT OF POLICE REWA  
DISTRICT REWA (MADHYA PRADESH)**
- 5. THE STATION HOUSE OFFICER REWA  
POLICE STATION CIVIL LINES REWA  
DISTRICT REWA (MADHYA PRADESH)**
- 6. AJAY KUMAR SINGH S/O LATE SHRI**

**ABHAY RAJ SINGH OCCUPATION: NIL R/O HOUSE NO. 88 WARD NO. 11 IN FRONT OF TEHSIL OFFICE SEMARIYA POLICE STATION AND TAHSIL SEMARIYA DISTRICT REWA (M.P.) AT PRESENT RESIDING AT COMMANDANT 66 BN CENTRAL RESERVE POLICE FORCE (CRPF) KEWAKOLE POST GOALTORE DISTRICT PASCHIM MIDINIPUR (WEST BENGAL)**

7. **ARUN PRATAP SINGH S/O SHRI LAL BAHADUR SINGH OCCUPATION: NIL R/O NEXT TO HONDA AGENCY SATGURU TRADERS REWA ROAD SEMARIYA POLICE STATION AND TAHSIL SEMARIYA DISTRICT REWA (MADHYA PRADESH)**
8. **ADITYA PRATAP SINGH S/O SHRI AJAY KUMAR SINGH OCCUPATION: NIL R/O HOUSE NO. 88 WARD NO. 11 IN FRONT OF TEHSIL OFFICE SEMARIYA POLICE STATION AND TAHSIL SEMARIYA DISTRICT REWA (M.P.) AT PRESENT RESIDING AT C/O AJAY KUMAR SINGH QUARTER NO. 05 TYPE V CRPF COLONY GC CRPF BANGRASIA BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
9. **AVINESH PRATAP SINGH S/O LATE SHRI RAJBAHORAN SINGH OCCUPATION: NIL R/O VILLAGE KUMHARA JUDWANI POLICE STATION AND TAHSIL SEMARIYA DISTRICT REWA (M.P.) AT PRESENT RESIDING AT BESIDE OF ANUJ CLINIC MAIN ROAD SEMARIYA POLICE STATION AND TEHSIL SEMARIYA DISTRICT REWA (MADHYA PRADESH)**
10. **USHA JAIN REWA DISTRICT AND SESSIONS COURT CAMPUS REWA DISTRICT REWA M.P. AT PRESENT RESIDING AT HOUSE OF SHRI B.B. ARJARIYA 7/268 MULIDHAR COLONY BODA BAG ROAD REWA DISTRICT REW (MADHYA PRADESH)**
11. **NASIM ARA REWA COLLECTORATE**

**CAMPUS REWA DISTRICT REWA (M.P.) AT  
PRESENT RESIDING AT NEAR NIPANIYA  
HIGHER SECONDARY SCHOOL BESIDE  
ROAD OF PHE WATER TANK NIPANIYA  
REWA DISTRICT REWA (MADHYA  
PRADESH)**

**.....RESPONDENTS**

**(SHRI HITENDRA GOLHANI – PANEL LAWYER FOR RESPONDENTS  
NO. 1 TO 5 / STATE. SHRI R. N. SINGH – SENIOR ADVOCATE  
THROUGH V. C. WITH SHRI BHANU PRATAP- ADVOCATE FOR  
RESPONDENTS NO. 6 AND 8 AND SHRI NAGENDRA PRASAD YADAV-  
ADVOCATE FOR RESPONDENTS NO. 7, 9 & 11)**

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*This petition coming on for admission this day, the court passed  
the following:*

**ORDER**

1. This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs :-
  - (i) To direct the respondent No. 1 and 2 to constitute an independent agency for fair, proper and speedy investigation into the matter looking to the facts and circumstances of the matter.
  - (ii) To issue an appropriate writ/direction/order to direct the respondent no. 3 to 5 to make fair and proper investigation against the private respondents as well as other persons involved and further be pleased to direct to the respondent no. 3 to 5 to take necessarily sanction of the concerned authority for prosecution as deem fit under the law.
  - (iii) To direct the respondent no. 3 to 5 to arrest immediately to the accused persons who are moving freely as also direct to the respondent no. 3 to 5 to seize the original documents from the possession of the private respondents,

various concerned department and person involved with regard to the aforesaid case.

- (iv) To direct the official respondents to take necessarily sincere steps/ efforts and action for arresting of respondent no. 8, who is beneficiary in the fabricated, forged will and wherever he is.
- (v) To grant any other relief deemed fit in the circumstances of present case.

2. It is the case of the petitioner that free, fair and proper investigation is not being done by the police, although FIR has been registered.
3. Moot question for consideration is as to whether this Court can 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 that Constitutional Court can monitor investigation but cannot supervise investigation. It has been 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 “Court-monitored” 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 “Court-monitored” 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. Now only question for consideration is that if the complainant has some grievance with regard to the manner, in which, investigation is being done, then whether the complainant is remediless or not?
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:-

“11. In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 CrPC, then he can approach the Superintendent of Police under Section 154(3) CrPC by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the learned Magistrate concerned. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.”

7. Accordingly, this Court is of the considered opinion that if the petitioner is aggrieved by the manner, in which, investigation is being conducted, then she has an efficacious remedy of approaching the concerning Magistrate under Section 156 (3) of Cr.P.C.
8. It is made clear that this Court has not considered correctness of the allegations made by the petitioner in this petition and in case if any application under Section 156 (3) of Cr.P.C. is filed, then it shall be considered on its own merit by the concerning Magistrate.
9. With aforesaid liberty, petition is **dismissed**.

**(G.S. AHLUWALIA)**  
**JUDGE**

JP