



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 22<sup>nd</sup> OF JANUARY, 2026

WRIT PETITION No. 2016 of 2026

*QASIMUDDIN QURESHI*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

.....  
Appearance:

*Shri Abhinav Kumar Tiwari - Advocate for the petitioner.*

*Shri Vijay Shukla - Panel Lawyer for respondent/State.*

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ORDER

This petition under Article 226 of the Constitution of India is filed seeking the following reliefs-

*"(i) Pass an appropriate Writ, Order or Direction in the nature of Mandamus or any other similar writ directing the Respondents to register a First Information Report to investigate the suspected murder of the brother of the Petitioner.*

*(ii) Pass an appropriate Writ, Order or Direction in the nature of Mandamus or any other similar writ directing the Respondents to lodge a FIR and conduct a Postmortem, file the Inquest and Magisterial report as per the provisions of Section 196 and 197 of BNSS, and direct it to be placed the same before the Police Authorities and this Hon'ble Court.*

*(iii) Pass an appropriate Writ, Order or Direction in the nature of Mandamus or any other similar writ directing the respondent authorities to constitute a High-Level Investigation Team for conducting postmortem and proper investigation of the death of the brother of the Petitioner.*

*(iv) Any other order or orders that this Hon'ble Court deems fit and proper under the facts and circumstances of the case may also kindly be passed."*

Learned counsel for the petitioner submits that a notice dated 20.05.2015 was issued by the Sub-Divisional Officer (Police), Narsinghpur, stating that a



complaint had been lodged by the wife of the deceased against the petitioner and calling upon him to give his statement. It is further submitted that the petitioner made a representation dated 10.11.2025 before the Superintendent of Police, Narsinghpur, seeking a fair investigation and post-mortem of the deceased, as the death allegedly occurred under suspicious circumstances. However, no action was taken by the authorities.

It is further contended that the discharge summary issued by Metro Hospital, Jabalpur indicates an injury on the chest of the deceased, which has also been alleged by the wife of the deceased. According to learned counsel, the wife of the deceased has accused the petitioner of being responsible for the death of his brother. On these grounds, the petitioner seeks a direction for conducting a second post-mortem.

In support of his submissions, learned counsel for the petitioner has placed reliance on the judgments of the *High Court of Madras in Santosh v. The District Collector, Madurai* (W.P. No. 12608/2020 decided on 02.12.2020) and *Anju v. The Home Secretary and Others* (W.P. No. 13141/2024 decided on 17.05.2024).

This Court has considered the submissions made by learned counsel for the petitioner and has perused the record.

It is well settled that conducting a second post-mortem or ordering exhumation of a dead body is an exceptional course, which can be permitted only upon the existence of compelling, strong, and cogent reasons demonstrating grave suspicion, procedural irregularity, or serious lapses in the initial post-mortem. Such relief cannot be granted merely on conjectures, allegations, or at the instance of a private party seeking to reopen settled facts.

In the present case, the deceased was buried on 27.03.2025. The petitioner has not placed on record any material to show that the initial post-mortem, if



conducted, suffered from procedural infirmity, mala fides, or was carried out in violation of statutory norms. Mere reference to an injury noted in the hospital discharge summary, without any medical opinion linking the same to homicidal death or procedural illegality in post-mortem, does not constitute sufficient ground to order a second post-mortem.

Further, the allegations made by the wife of the deceased are already subject to investigation by the competent authorities. The petitioner, who himself is facing allegations, cannot seek a second post-mortem as a matter of right, particularly after the burial of the body, without demonstrating exceptional circumstances warranting such an extraordinary direction.

The judgments relied upon by the petitioner are clearly distinguishable on facts and do not advance the case of the petitioner, as each case relating to exhumation or second post-mortem depends upon its own peculiar facts and the existence of compelling reasons, which are absent in the present case.

In view of the aforesaid facts and circumstances, this Court is of the considered opinion that no case is made out for granting the relief sought by the petitioner.

Accordingly, the writ petition is **dismissed**. No order as to costs.

(B. P. SHARMA)  
JUDGE