



1

WP-29793-2018

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 28th OF APRIL, 2026WRIT PETITION No. 29793 of 2018*SANGRAM SINGH RAJOOT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

.....
Appearance:

Ms. Shikha Paliwal - Advocate for the petitioner.

Shri Deepak Sahu - PL for the respondent-State.

Shri Anmol Rawat - Advocate for respondent nos.3 to 8.

.....

ORDER

The present writ petition has been preferred under Article 226 of the Constitution of India by the petitioner seeking issuance of appropriate writ, order or direction commanding the respondent authorities to initiate action against the concerned police officials for allegedly subjecting the petitioner and other co-accused persons to an illegal, arbitrary and humiliating public parade, thereby infringing their fundamental rights guaranteed under Article 21 of the Constitution. The petitioner has not challenged any specific judicial or administrative order, but has invoked the extraordinary jurisdiction of this Court on the ground of violation of his right to life and dignity and inaction on the part of the authorities despite representations.

2. The case of the petitioner, as set out in the writ petition, is that he is an agriculturist aged about 35 years and resident of Nahar Colony, Bareilly,



District Raisen. On 14.11.2018, the Bolero vehicle owned by the petitioner accidentally hit the railing of Rajshree Hotel, which incident, according to the petitioner, was purely inadvertent. However, the owner of the said hotel lodged an FIR bearing Crime No.528/2018 at Police Station Bareli, District Raisen, alleging offences under Sections 294, 323, 452, 427 and 506-B of IPC. The copy of the said FIR has been brought on record as Annexure A/1. It is the contention of the petitioner that the allegations made in the FIR are exaggerated and frivolous in nature.

3. It is further pleaded that subsequent to registration of the FIR, the petitioner and other co-accused persons voluntarily presented themselves before the police authorities through their family members. However, certain police officials allegedly demanded an illegal gratification of Rs.2,00,000/- and threatened that in case the amount was not paid, the entire family would be falsely implicated in serious criminal cases. Though this allegation is serious in nature, the same is asserted to demonstrate the mala fide conduct of the concerned officials.

4. The gravamen of the grievance of the petitioner is that on 17.11.2018, respondent Nos.3 to 8, who are police personnel posted at Police Station Bareli, forcibly took the petitioner and other co-accused persons out of the police station and paraded them on foot from the police station to the Court at Bareli, covering a distance of approximately 2.5 kilometers along a public road/national highway, in full public view and allegedly in the presence of media persons. It is contended that the said act was done without any legal necessity or justification and was intended to humiliate and degrade



the petitioner. Photographs depicting the said incident have been filed as Annexure A/2, which prima facie indicate that the petitioner was exposed to public gaze during the said procession. It is further contended by the counsel that the applicant has no criminal antecedents and was merely an accused in the aforesaid case, and therefore, such treatment was wholly unwarranted and violative of his fundamental rights. The petitioner submits that his brother submitted representations before the competent authorities seeking action against the erring police personnel. Copies of the said representations have been filed as Annexure A/3. However, despite submission of such representations, no action has been taken till date, compelling the petitioner to approach this Court.

5. Learned counsel for the petitioner has vehemently contended that the act of parading an accused person in public amounts to a gross violation of the right to life and personal liberty, which includes the right to live with dignity. It is submitted that such acts amount to pre-trial punishment and are contrary to the settled principles of criminal jurisprudence, including the presumption of innocence. It is further argued that the conduct of the police officials is arbitrary, illegal, and violative of constitutional safeguards.

6. Per contra, learned counsel for the State has submitted that the allegations made by the petitioner are disputed and require factual verification. Respondent Nos.1 and 2 have filed their reply denying the allegations made in the writ petition. It is contended that the petitioner is a habitual offender and has multiple criminal cases registered against him. A copy of the alleged criminal record has been filed as Annexure R/1. It is



further submitted that the incident of hitting the hotel railing was not accidental but intentional, as the petitioner was aggrieved by refusal of the hotel owner to serve alcohol. With regard to the allegation of parading, it is stated that the petitioner was arrested on 16.11.2018 and was required to be produced before the Court on 17.11.2018. However, due to non-availability of an official vehicle at the Police Station, the police personnel had no option but to take the accused persons on foot to the Court. It is further stated that the distance between the Police Station and the Court is approximately 1.5 kilometers and not 2.5 kilometers as alleged. The respondents have denied any misconduct or violation of rights and have prayed for dismissal of the petition.

7. Having heard the learned counsel for the parties and upon perusal of the material available on record, this Court finds that the issue involved in the present case touches upon the fundamental right to dignity of an individual. It is trite law that Article 21 of the Constitution not only guarantees protection of life and personal liberty but also encompasses the right to live with human dignity. Any action of the State or its instrumentalities which results in humiliation, degradation, or public shaming of an individual, without authority of law, would fall foul of the said constitutional mandate. At the same time, it is equally settled that mere transportation of an accused from Police Station to Court for the purpose of production before the Magistrate, even if done on foot under unavoidable circumstances, would not ipso facto constitute violation of fundamental rights, unless it is shown that such act was done deliberately to humiliate or



with *mala fide* intention.

8. The concept of presumption of innocence is a cornerstone of criminal jurisprudence, and an accused person cannot be subjected to any form of punishment or public humiliation prior to conviction. The alleged act of parading the petitioner in public, if established, would amount to treating the accused as a convict without due process of law. Such conduct has been consistently deprecated by constitutional courts as being violative of human rights and constitutional guarantees. The explanation furnished by the respondents that due to non-availability of official vehicle, the accused persons were taken on foot to the Court, cannot be brushed aside lightly, particularly when production before the Court within stipulated time is a statutory requirement.

9. The representations submitted by the petitioner (Annexure A/3) do indicate that a grievance was raised before the authorities, but mere non-action on such representations would not automatically warrant issuance of writ of mandamus for initiating disciplinary proceedings, unless a prima facie case of misconduct is established. As regards the criminal antecedents of the petitioner, as reflected in Annexure R/1, this Court refrains from making any conclusive observation, as the same is not directly relevant for adjudicating the present grievance, except to the limited extent of assessing the overall circumstances.

10. In view of the aforesaid discussion, this Court is of the considered opinion that the petitioner has not been able to establish, by cogent and unimpeachable material, that the act of the police personnel



amounted to a deliberate and malicious public parade so as to infringe his fundamental rights under Article 21 of the Constitution of India. However, considering the nature of allegations made and in order to ensure fairness, it would be appropriate to direct the competent authority to examine the grievance of the petitioner in accordance with law.

11. Accordingly, in the facts and circumstances of the case, this writ petition is disposed of with a direction to respondent No.2 – Superintendent of Police, Raisen, to consider and decide the representations submitted by the petitioner (Annexure A/3) by conducting a preliminary enquiry into the allegations, if not already conducted. The enquiry shall take into consideration the material placed on record, including Annexures A/1, A/2 and A/3, and shall be conducted by an officer not below the rank of Additional Superintendent of Police, who is not connected with the incident in question. The said enquiry shall be completed within a period of 60 days, and if the allegations are found to be substantiated, appropriate departmental as well as legal action shall be initiated against the erring officials in accordance with law. The outcome of the enquiry shall be communicated to the petitioner forthwith.

(HIMANSHU JOSHI)
JUDGE