



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

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 18<sup>th</sup> OF APRIL, 2026**

**WRIT PETITION No. 47622 of 2025**

**SANTOSH**

*Versus*

**THE STATE OF MADHYA PRADESH AND OTHERS**

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**Appearance:**

*Shri Ashish Gupta - Advocate for the petitioner.*

*Shri Hemant Sharma- G.A. for the State.*

*Shri S. K. Vyas- Senior Advocate with Shri Yash Agrawal and*

*Shashank Shekhar Rai- Advocate for the respondent No.5.*

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**ORDER**

Heard finally with the consent of the parties.

2] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following reliefs:-

(i) Issue a writ of Mandamus or any other appropriate writ, direction or order, directing the Respondent Authorities to register a FIR and conduct a fair, proper and impartial investigation into the abetment of suicide of the petitioner's son, specifically against Respondent No. 4 (*sic*. Respondent No.5), on the basis of the suicide video, statements, and other material placed on record.

(ii) Direct that the investigation be handed over to an independent agency such as the CBI / SIT, or be conducted under the supervision of this Hon'ble Court, in view of the deliberate inaction and bias shown by the local police due to the influential position of Respondent No. 4, (*sic*. Respondent No.5)

(iii) Issue appropriate directions to ensure protection of the petitioner and his family members from any threat, pressure, or intimidation by Respondent No. 5 or any officials connected to her.

(iv) Direct the respondents to take disciplinary and departmental action against concerned police officials who failed to perform their statutory duty of registering and investigating cognizable offences.



(v) Any other relief which this Hon'ble Court deems fit looking to the facts and circumstances of the case.

3] The petitioner's grievance is that her son Dinesh Makwana committed suicide by consuming Celphos on 08.11.2025, on account of abetment and illegal demand of bribe by the respondent No.5 Ms. Mandakini Dixit, the then Assistant Commissioner (Excise Department), Dewas but no action has been taken by the concerned police station, so much so that even the FIR has not been lodged.

4] According to the suicide note, which is also filed on record, which is in the form of a video-clip recorded by the deceased himself, it can be clearly seen that he is reeling under pressure of the illegal demands raised by the respondent No.5, as the respondent No.5 was demanding Rs.1,50,000/- per month per liquor shop, as the petitioner's son Dinesh Makwana was in the business of running liquor shops, and had obtained licence to run three such shops, and the respondent No.5 was pressurizing him to pay her a commission @ Rs.10/- on every bottle sold through his shop.

5] The grievance of the petitioner is that despite the aforesaid video-clip was shown to the concerned Police Station Kanadia, no action has been taken, and even the Police is hand in glove with the respondent No.5 and is deliberately not lodging the FIR.

6] Shri Ashish Gupta, learned counsel for the petitioner has also drawn the attention of this Court to the aforesaid video-clip recorded by the deceased, as also another video-clip, which was recorded by the petitioner when she was called by the respondent No.5 to a shopping Mall and also offered to settle the matter. In the aforesaid video-clip, which was recorded in the Mall, the respondent No.5 can be seen to be offering to take care of the entire education of the petitioner's son's



children. Thus, it is submitted that it is a fit case where the matter may be directed to be investigated by an independent agency like CBI.

7] The prayer is vehemently opposed by Shri S.K. Vyas, learned senior counsel appearing for the respondent No.5, and it is submitted that under the facts and circumstances of the case, when the video-clip of the deceased has also been got examined by the respondent No.5 through an independent private expert, who has opined that the said video-clip is tampered, non-continuous, selectively edited, and does not represent the complete or original sequence of events. Shri Vyas has also drawn the attention of this Court to the timeline which can be drawn from the said video-clip only, in which the deceased can be seen to be referring to the forthcoming Dussehra festival, whereas, he committed suicide on 08.11.2025. Thus, it is submitted that the deceased recorded the said video much prior to Dussehra which fell on 02.10.2025, and it is only subsequently that the said video-clip has been revealed by the petitioner, and it cannot be said that the alleged demands were the immediate cause of death of petitioner's son. Senior counsel has also submitted that even otherwise, the respondent No.5 herself was being subjected to blackmail by showing the said video-clip, as she had already issued a show-cause notice to the petitioner's son on 08.11.2025 to pay the dues of the Department to the tune of Rs.34,00,000/-, failing which, he was also informed that his bank guarantees shall be forfeited, and his licence shall be cancelled. It is further submitted that the petitioner's son had already become a defaulter to the Department and was already under the pressure of impending recovery, which led him to commit suicide, and thus, it is submitted that it is not a case where the FIR can be lodged against the respondent No.5, who was only acting in accordance with law and in the interest of the Department.



8] So far as the video-clip filed by the petitioner of the respondent No.5 is concerned, which was recorded near a shopping Mall, it is submitted by Shri Vyas that it is nothing but the blackmailing tactics adopted by the petitioner, trying to make the most of the unfortunate death of her son. Hence, it is submitted that the petition being devoid of merits is liable to be dismissed. In support of his submissions, senior counsel for the respondent No.5 has also relied upon the decision rendered by the Supreme Court in the case of *Abhinav Mohan Delkar Vs. The State of Maharashtra & Ors.*, passed in *Criminal Appeal Nos.2177-2185 of 2024* dated *18.08.2025*.

9] In rebuttal, counsel for the petitioner has submitted that the petitioner happens to be the mother of the deceased Dinesh Makwana who committed suicide only because of the respondent no.5, hence there was no reason for her to trade his death, and then to file the present petition for an independent enquiry.

10] Counsel for the State, has also opposed the prayer, and it is submitted that it is not a case where the CBI enquiry can be directed, especially when the video-clip was already sent to the Forensic Laboratory, and as per the report sent by the Cyber Forensic Lab, M.P. Police, Bhopal, there is material discrepancy in the video-clip given by the petitioner of her son's suicide note, and it has been found that the video-clip has not been made from the same phone claimed to be of the deceased by the petitioner.

11] Heard. Having considered the rival submissions and on perusal of the documents filed on record, including the suicide note, since the entire controversy revolves around the suicide note, it would be apt to refer to the same at this juncture, which reads as hereunder:-



“में दिनेश मकवाना, देवास जिले में शराब के ठेके चलाता हूँ. चापडा, कर्णावत, डबल-चौकी, तीन ग्रुप है मेरे पास.

14 करोड़ का टोटल काम है मेरे पास.

और यहाँ पर ई. सी. मैडम है मंदाकिनी दिक्षित जी, ये मुझे पैसे की डिमांड करते हैं.

इनको एक दुकान से डेढ़ लाख रुपये महिना चाहिए.

5 दुकाने हैं मेरे पास, 7.5 लाख रुपये महिना इनको चाहिए.

अभी तक मैं 20 - 22 लाख रुपये इनको दे चुका हूँ, और अभी मैंने बोला मैडम अभी घाटा हो रहा है दशहरे बाद बिक्री बढ़ जाएगी, तो उसके बाद मैं पेमेंट दे दूंगा.

हम माल लेते हैं, तो माल पे रोक लगवा देती है, देसी वेयरहाउस पर, माल नहीं देने देती है जब तक पैसा नहीं आए तब तक माल मत दो.

आज भी मेरा इश्यू था, तो माना कर दिया उन्होंने वेयरहाउस पे कि माल मत देना, और जब तक पेमेंट नहीं आए जब तक.

रोज - रोज इनका यही रेहता है, तो इस कारण मैं इनसे त्रस्त आके ई. सी. मैडम, मंदाकिनी दिक्षित, इनसे त्रस्त आके मैं आत्महत्या कर रहा हूँ.”

**12]** This Court finds that in the said suicide note left by the petitioner's son Dinesh Makwana, he has made clear allegations of corruption and harassment against the respondent No.5. It also appears that the aforesaid video was recorded prior to Dussehra, which fell on 02.10.2025, whereas, the deceased committed suicide on 08.11.2025, however, merely because the suicide note was recorded by him prior to more than a month before he committed suicide, it cannot be a reason to discard the same on the ground of delay. This Court is of the considered opinion that when a person is pushed to such an extent to commit suicide, merely because he does not commit suicide immediately after recording of the suicide note, would not make his case less believable. It might be possible that he might have given a second thought even after recording the suicide note and left with no other option, he resorted to taking the extreme step of taking his own life.



**13]** Apparently, the figures which the petitioner's son is talking about in his suicide note are huge figures, and coupled with the fact that he has committed suicide after recording the said video-clip, it cannot be brushed aside lightly. On the contrary, it is found that despite the fact that the suicide note was delivered to the concerned police station in time, *i.e.*, on 29.11.2025, no action was taken by the Police, and only a Cyber Forensic Lab Report dated 05.02.2026 has been obtained until now, in which it is opined that it is not possible to verify if the video-clip has been made from the same mobile phone which was forwarded to the laboratory, and it is also informed that the video-clip was contained in the download folder of the mobile phone, meaning thereby, it was not made in the said mobile phone, and was transferred to the said mobile from some other mobile phone.

**14]** In the considered opinion of this Court, so far as the report obtained by the respondent No.5 through a private expert, Retired Assistant Director of CFSL is concerned, wherein it is opined that the video is tampered with, non-continuous and selectively edited, the same cannot be relied upon at this juncture of the investigation to discard the said suicide note. This Court is of the considered opinion that the desperation on the part of the concerned police station and the higher officers concerned to delay the lodging of the FIR requires desperate measure from this Court to expedite the matter. Under the circumstances, this Court has no hesitation to hold that the efforts are being made to brush under the carpet the suicide of Dinesh Makwana who has also left a suicide note in the form of a video clip, as apparently, the concerned police station is acting under the influence of respondent No.5, who was posted as Assistant Commissioner of Excise.



15] In such circumstances, coupled with the other video-clip filed by the petitioner, which was recorded near a Mall between the petitioner and the respondent No.5, this Court is of the considered opinion that *prima facie* the material exists to lodge the FIR and to proceed with the investigation in accordance with law. However, since the respondents have already shown their disinclination to lodge the FIR, and the manner in which the entire investigation is being conducted, with a view to have the case investigated in a free and fair manner, this Court deems it proper to have the FIR lodged and the investigation completed through the CBI.

16] At this juncture, it would also be apt to refer to the recent decision rendered by the Supreme Court in the case of *Legislative Council U.P. Lucknow and Others Vs. Sushil Kumar and Others*, passed in *Civil Appeal No.11842 of 2025*, arising out of *SLP (C) No.22746 of 2023* dated *16.10.2025* regarding issuing directions to the CBI for serious investigation in a criminal case, the relevant para of which reads as under:-

14. In view of the precedents of this Court referred hereinabove, it is evident that while issuing directions to CBI to hold an investigation, pleadings and material sufficient for CBI inquiry are required to be looked into. It is further required to be seen that based on such material, whether the involvement of the persons is prima facie established. This Court while issuing directions observed that no inflexible guideline can be laid down to decide whether or not such power should be exercised, but it has been reiterated that the order of CBI investigation or enquiry should not be passed in routine manner on mere allegations levelled by the parties. The exercise of such power by the High Court or by this Court must be made sparingly, cautiously and in an exceptional situation when credibility of investigation is in question and to repose confidence in investigation. The Court may exercise such discretion, where the incident may have national or international ramifications and with intent to do complete justice or for enforcing the fundamental rights. Mere sweeping remarks are not enough to direct for CBI investigation, until prima facie disclosure of commission of criminal offence is made out. It is further said that in the matters relating to recruitment, it would not be appropriate to direct CBI investigation in routine course unless the facts brought on record are so abnormal that shake the conscience of the Court.

*(Emphasis Supplied)*



17] So far as the decision relied upon by the senior counsel for the respondent No.5 in the case of *Abhinav Mohan Delkar (Supra)*, regarding ingredients of Section 306 of IPC are not made out is concerned, this Court finds that this judgement is of no avail to the respondent No.5 at this juncture of the case, when the grievance of the petitioner is that even the FIR is not being lodged in respect of her son's death, who has also left a suicide note making serious allegations of corruptions against a high ranking officer, viz., the Assistant Commissioner of Excise Department of the State Government.

18] **In view of the same, the petition stands allowed to the extent that the investigation of the present case shall be handed over by Police Station Kanadia, District Indore to the CBI immediately, who shall register an FIR and after investigation, bring the case to some logical conclusion.**

19] Let a copy of this order be also furnished to Shri Manoj Dwivedi, learned Standing Counsel for the CBI, who is also directed to ensure that the order is communicated to the concerned Officer of the CBI at the earliest for its proper compliance and necessary action.

20] With the aforesaid, petition stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)  
JUDGE