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WP-34590-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

WRIT PETITION No. 34590 of 2025

SHASHIKANT JATAV @ SHASHIKANT GOYAL @ SHASHI KAPOOR
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Mr. Sameer Kumar Shrivastava - Advocate for the petitioner.

Mr. Ankur Modi - Additional Advocate General for respondent

No. 1/State.

Mr. M P S Raghuvanshi - Senior counsel along with Mohammad

Amir Khan - Advocate for respondent No.3.

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HEARD ON 29.04.2026

DELIVERED ON 15.05.2026

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ORDER

Present petition under Article 226 of Constitution of India has been preferred seeking quashment of FIR No.214 of 2025 dated 02.05.2025 registered as P.S. City Kotwali, District Bhind under Sections 3(5) and 308(2) of BNS.

2. The brief facts of the case are that on 02.05.2025, one Dr. Harmendra Singh Kushwaha submitted a typewritten complaint alleging that on 30.04.2025, at approximately 1:00 PM, the Petitioner (Shashikant Goyal) and another journalist (Pritam Singh) approached him while he was treating



patients at his 'Bhoomi Clinic.'

3. According to the complainant, the Petitioner stated that although the doctor held a BAMS degree, he was practicing allopathy in an unregistered clinic. The Petitioner and Pritam Singh allegedly demanded a monthly payment of Rs. 5,000. Upon the complainant's refusal, the Petitioner purportedly became aggressive, threatening to publish daily reports until the clinic was forced to close. The complainant further alleged that on 01.05.2025, the Petitioner sent him an article regarding the clinic through WhatsApp.

4. Upon receipt of the complaint, SI Suresh Mishra of P.S. Kotwali City, Bhind, found that offenses under Sections 308(2) and 3(5) of the BNS were *prima facie* made out against the petitioner and another and registered the impugned FIR. Notably, the FIR ostensibly arises following a news report dated 01.05.2025, published in the Bejod Ratna newspaper and authored by the Petitioner, which detailed the illegal operation of the complainant's clinic.

5. The Petitioner seeks the quashing of the impugned FIR on the ground that, on a prima facie appreciation of the FIR and the purported complaint, no offence under Section 308(2) of the BNS is made out, as there was no delivery of valuable property pursuant to any dishonest inducement. Furthermore, the impugned FIR is manifestly attended with *mala fides* and has been maliciously instituted with the ulterior motive of wreaking vengeance on the Petitioner to spite him due to a personal grudge. The proceedings are intended to have a chilling effect on the profession of



journalism and the right to freedom of speech and expression under Article 19(1)(a) of the Constitution. The impugned FIR is, therefore, liable to be quashed based on the principles laid down by the Hon'ble Supreme Court of India in *State of Haryana & Ors. vs. Bhajan Lal & Ors.*, 1992 Supp (1) SCC 335.

6. Counsel for the petitioner submits that petitioner had recently been reporting on illegal sand mining activities in the Chambal River, which are being carried out by sand mafia in connivance with the local police. Displeased with the same, on 01.05.2025, SP Asit Yadav invited the petitioner to have tea with him in his chamber where he along with journalist petitioner - Shashikant Jatav @ Shashikant Goyal and half a dozen other journalists, were stripped down to their undergarments and physically assaulted.

7. It is further submitted that on 04.05.2025, the petitioner and Ms. Warisha Farasat were on their way from Gwalior to Delhi to meet a Member of Parliament to apprise him of their plight. While they were waiting to catch a train to Delhi, they were picked up by one Saurabh Sharma, another journalist, on the pretext of travelling to Delhi by road. However, instead of taking them to Delhi, they were taken to a nearby dhaba where some police officials were waiting. These officials then took them to SP Asit Yadav's bungalow in an attempt to work out a compromise. They were asked not to pursue the matter of them being assaulted by Bhind police officials on 01.05.2025.

8. On 05.05.2025, petitioner and Ms. Warisha Farasat were forced to



record a video statement in the presence of the police officials, stating that all matters between them and the police have been resolved. Subsequently, the said video was distributed by the Bhind police through WhatsApp with the intention of destroying the credibility of the petitioner and Ms. Warisha Farasat.

9. Learned counsel for the petitioner further submits that petitioner and Ms. Warisha Farasat came to Delhi on 19.05.2025 and lodged a complaint with Press Council of India and the National Human Rights Commission. The State Press Club, Madhya Pradesh has already issued a statement on 03.05.2025 demanding action against the police officials and the Press Club of India has also issued a detailed statement dated 25.05.2025, condemning the action of Madhya Pradesh police and has sought action against the police officers.

10. It is further submitted that on May 2, 2025, when the impugned FIR was registered at P.S. Kotwali City, Bhind, a second FIR (No. 13 of 2025) was simultaneously registered against the Petitioner at P.S. Bharauli, Bhind. This second FIR was based on the purported complaint of an Anganwadi worker and is already the subject matter of a challenge in W.P. No. 22589 of 2025.

11. Meanwhile, the Petitioner had lodged an online complaint via the M.P. CM Helpline. Having reached Bhopal that same evening, the Petitioner visited the District Hospital, Bhopal, where the attending physician recorded a "History of Trauma." Upon examination, the doctor noted an abrasion on the cheek and recorded the Petitioner's complaints of pain.



12. Following the grant of urgent police protection to co-journalist Amarkant Singh Chouhan by the Hon'ble Delhi High Court on May 28, 2025, the Petitioner moved a similar plea on May 29, 2025 (W.P.(CRL)-1850/2025). Although the matter was renotified to July 14, 2025, due to a paucity of time, the presence of SI Suresh Mishra—the officer who lodged the impugned FIR—was recorded in the High Court's order sheet, confirming the persistent surveillance by Bhind Police.

13. Faced with the imminent threat of illegal apprehension by Bhind Police officials stationed within the court precincts, the Petitioner approached the Hon'ble Supreme Court of India under Article 32 of the Constitution. On June 4, 2025, the Hon'ble Supreme Court issued notice to the States of Madhya Pradesh and NCT of Delhi. On the same day, the NHRC took suo motu cognizance of the matter, observing that the allegations, if true, constituted a grave violation of human rights.

13. Notably, in the counter-affidavit filed before the Supreme Court on June 7, 2025, the State of Madhya Pradesh conspicuously failed to mention the existence of the impugned FIR. Consequently, on June 9, 2025, the Hon'ble Supreme Court—while granting the Petitioner liberty to approach this Hon'ble Court—extended interim protection from arrest until such time that a plea for interim relief could be considered herein.

15. Despite this judicial shield, on June 11, 2025, SP Asit Yadav (IPS) issued an intimidatory communication to the Petitioner's employer at Bejod Ratna newspaper, seeking to coerce and unduly influence the Petitioner through professional harassment.



16. Pursuant to the directions of the Hon'ble Supreme Court, the Petitioner initially filed a consolidated writ petition before this Court. However, on 21.08.2025, this Court directed the Petitioner to file separate quashing petitions for each individual FIR. Accordingly, the present petition is filed seeking the quashing of FIR No.123/2025, which the Petitioner maintains is a malicious, manufactured, and retaliatory prosecution intended to stifle his journalistic work and silence his reporting.

17. Given the surrounding circumstances and the suspicious timing of the registration of the Impugned FIR, it is evident that the same has been maliciously registered by the Bhind Police with the intent to persecute and victimize the Petitioner. This is a clear attempt to prevent the Petitioner from availing himself of legal remedies against SP Asit Yadav (IPS) and other Bhind Police officials for their acts of caste-based violence.

18. The allegation of victimization is further fortified by the fact that SI Suresh Mishra of P.S. Kotwali City—the very officer who registered the Impugned FIR—was present within the precincts of the Hon'ble Delhi High Court for the purpose of illegally apprehending the Petitioner. Notably, the said officer even marked his presence in the Petitioner's case (W.P. (CRL) 1850/2025) on May 30, 2025, despite the State of Madhya Pradesh not being a party to those proceedings. The Impugned FIR and the subsequent criminal proceedings are manifestly attended with *mala fides*. They have been maliciously instituted by the Bhind Police, at the behest of SP Asit Yadav (IPS), with the ulterior motive of wreaking vengeance and spiting the Petitioner due to a deep-seated private and personal grudge. In such



circumstances, present said FIR deserves to be quashed.

19. Per contra, the Respondents contend that the Petitioner is not a victim but an opportunist. They allege he misused his position as a journalist to extort and blackmail the persons which is evident from the previous complainant. They claim the petition is based on "false and frivolous" allegations intended to shield himself from criminal liability.

20. The Petitioner's claim that police officials targeted multiple journalists is misconceived and factually incorrect. It is submitted that had such systemic violence occurred, other reporters would have raised similar grievances. The Petitioner is the sole individual leveling these allegations, which appears to be a deliberate attempt to mislead this Court and deflect from the criminal FIRs registered against him.

21. The FIR at P.S. Kotwali, Bhind, was registered following a specific complaint by Dr. Harendra Singh Kushwah. The complainant alleged that on April 30, 2025, the Petitioner and one Pritam Singh visited his clinic and demanded a monthly extortion of ₹5,000. This demand was purportedly made under the threat of publishing news regarding the complainant's lack of registration for allopathic treatment. On May 1, 2025, the Petitioner allegedly sent a WhatsApp message to the doctor reiterating the threat. Consequently, a case was registered under Sections 308(2) and 3(5) of the B.N.S., 2023, and the investigation is currently pending.

22. The facts of the FIR indicate that the Petitioner and his associates misused the profession of journalism to extort money. Their present conduct and the filing of this petition are *mala fide* attempts to evade the legal



consequences of their actions.

23. Upon receiving multiple complaints regarding blackmail and extortion, the Superintendent of Police (S.P.), Bhind, verified the allegations and issued a public awareness notice through official social media platforms on May 2, 2025 (Annexure R/1). The State contends that the Petitioner's allegations against the police are a "counter-blast" to this public notice and the ongoing criminal investigations, rather than a result of any actual persecution.

24. It is further submitted that on May 1, 2025, the Petitioner visited the Government District Hospital in Bhind, M.P., where he underwent pre-medico-legal examination (MLC) . The examining Medical Officer recorded in the MLC report that no external injuries were observed. Consequently, a written intimation was forwarded to the Officer-in-Charge of the Hospital Police Chowki, which was subsequently transmitted to the concerned Police Station.

25. It is submitted that multiple FIRs have been registered against the Petitioner and his associates across various police stations, pertaining to distinct criminal acts involving different complainants. The Petitioner has leveled "wild allegations" against the police as a tactical maneuver to dodge these criminal proceedings. Furthermore, it is a settled position of law that an FIR cannot be quashed without granting a hearing to the complainant.

26. Regarding the protection granted to a co-accused on May 28, 2025, the State contends that the Petitioner and his associates failed to disclose material facts or implead the State of Madhya Pradesh as a party.



This omission prevented the State from producing the Petitioner's criminal record. By failing to approach the Court with "clean hands," the Petitioner has demonstrated clear *mala fides*.

27. While a similar petition was pending and renotified for July 14, 2025, in the Hon'ble Delhi High Court, the Petitioner approached the Hon'ble Supreme Court under Article 32. The State contends this was done to gain publicity and circumvent lower courts. The Hon'ble Supreme Court, vide order dated June 9, 2025, subsequently directed the Petitioner to approach this Hon'ble Court. The Petitioner's actions across multiple jurisdictions constitute a misuse of judicial resources.

28. The State highlights that the Petitioner's associate, Pritam Singh, has a history of nine criminal antecedents, three of which are similar in nature (Annexure R/6). The Petitioner has consistently failed to cooperate with the ongoing investigation and remains evasive.

29. Finally, it is submitted that the present petition involves disputed questions of fact that cannot be adjudicated in a writ jurisdiction. Such matters must be decided by the Trial Court through the appreciation of evidence at the appropriate stage. As the investigation is currently pending, in such circumstances, he prayed for its dismissal.

30. Having considered the rival contentions and perused the documents placed on record, this Court is of the opinion that the present case does not warrant the extraordinary exercise of jurisdiction under Article 226 of the Constitution of India. The Petitioner seeks the quashing of an FIR primarily on the grounds of *mala fides* and a retaliatory motive; however, it



is a settled principle of law that if an information discloses the commission of a cognizable offence, the existence of a personal grudge or ulterior motive of the complainant/police is not a sufficient ground to stifle a legitimate investigation at its threshold.

31. The allegations in the FIR, *prima facie*, disclose the essential ingredients of Section 308(2) and 3(5) of the BNS. Whether the Petitioner actually demanded money or whether the WhatsApp message was an act of journalism or an act of extortion are disputed questions of fact. This Court, in its writ jurisdiction, cannot act as a trial court to weigh evidence, assess the credibility of the complainant, or determine the veracity of the "History of Trauma" recorded in Bhopal versus the "No external injury" report from Bhind. These are matters for the Investigating Officer to probe and, ultimately, for the Trial Court to adjudicate.

32. Regarding the Petitioner's reliance on the judgment in Bhajan Lal (Supra) the present case does not fall within the "rarest of rare" categories where the allegations are so absurd that no prudent person could reach a conclusion that there is sufficient ground for proceeding. While the Petitioner has alleged grave custodial misconduct by the police, those allegations are subject to independent inquiries by the NHRC and other forums. The existence of a parallel dispute between the Petitioner and the local police does not grant the Petitioner immunity from investigation into a specific, third-party complaint lodged by a private medical practitioner.

33. Furthermore, the Petitioner's conduct—approaching multiple High Courts and the Hon'ble Supreme Court without disclosing complete material



facts in every instance, as alleged by the State—does not satisfy the requirement of approaching the Court with "clean hands." Since the investigation is still at a nascent stage and the Petitioner's criminal antecedents (and those of his associates) have been brought on record, it would be premature and improper to quash the proceedings.

34. In view of the foregoing, this Court finds no merit in the petition. The prayer for quashing FIR No. 214 of 2025 is hereby rejected. The petition is **dismissed**.

35. However, it is clarified that the observations made herein are only for the purpose of deciding this quashing petition and shall not influence the independent investigation or the trial. The Petitioner is at liberty to raise all his factual defenses before the Trial Court at the appropriate stage.

(RAJESH KUMAR GUPTA)
JUDGE

(LJ*)