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WP-34586-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

WRIT PETITION No. 34586 of 2025*AMARKANT SINGH CHOUHAN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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.

HEARD ON: 29.04.2026

DELIVERED ON : 15.05.2026

ORDER

Present petition under Article 226 of Constitution of India has been preferred seeking quashment of FIR No.123 of 2025 dated 10.06.2026 registered as P.S. Umri, District Bhind under Sections 296(b), 308(5) and 351(2) of BNS.

2. The Impugned FIR forming the subject matter of the present writ petition arises from a complaint by one Arun Yadav, S/o Anar Singh Yadav, who claims to be the manager of the Umri Toll Plaza. The Complainant alleges that on 30.04.2025, at approximately 4:00 PM, the Petitioner arrived at the Toll Plaza and demanded free passage for vehicles. It is further alleged that the Petitioner used abusive language and extorted money from the Complainant. Specifically, the



Complainant claims the Petitioner identified himself as a journalist and threatened to publish defamatory, "fake news" reports against the toll plaza unless he was paid.

3. The Complainant alleges that, out of fear, he gave Rs. 2,000 to the Petitioner in the presence of witnesses—Nilesh, Pawan, Shivam Bhadoria, and others. Furthermore, the Complainant alleges that the Petitioner returned to the plaza on 01.05.2025 to demand a monthly payment of Rs. 5,000. Upon the Complainant's refusal, the Petitioner purportedly directed filthy language toward the Complainant's and given death threats, leading to the filing of the Impugned FIR.

4. The Petitioner seeks the quashing of the Impugned FIR on the grounds that a *prima facie* appreciation of the allegations fails to make out any offence under Sections 296(b), 308(5), or 351(2) of BNS. The Petitioner contends that the allegations are so absurd and inherently improbable that no prudent person could reach a just conclusion that there are sufficient grounds for proceeding.

5. Notably, the FIR was lodged without a preliminary inquiry and just one day after the Petitioner had been granted a protection order by the Hon'ble Supreme Court. The Petitioner maintains that the FIR is attended with *mala fides* and was maliciously instituted with the ulterior motive of seeking vengeance and spiting the Petitioner due to a personal grudge. Such actions 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. Consequently, the Impugned FIR is liable to be quashed in accordance with the principles established by the Hon'ble Supreme Court in the case of **State of Haryana & Ors. vs. Bhajan Lal & Ors. (1992 Supp (1) SCC 335)**.

6. Counsel for the petitioner submits that the Petitioner, a journalist with



Swaraj Express, reported on the Sand Mafia in the Chambal region and alleged police excesses by the Bhind Police. Following these reports, the Petitioner and several other journalists were "invited" to the office of SP Asit Yadav on the pretext of tea, where they were allegedly physically assaulted, battered, and intimidated by the SP and numerous subordinates (including SHOs of various police stations). During this assault, the Petitioner was threatened with consequences similar to other journalists who had been stripped and beaten.

7. Following the assault, the Petitioner held a press conference in Bhopal and sought help from the Bhind Collector. In response, the SP issued a public advisory on social media labeling journalists as "extortionists." On May 5, 2025, after being misled by a colleague, the Petitioner was taken to the SP's bungalow at 3:00 AM, where he was threatened with false prosecutions. Later that day, he was forced to record a coerced video statement claiming the matter was "resolved," which the police then circulated online.

8. Due to continuous harassment, the Petitioner fled to Delhi on 29.05.2025, and filed complaints with the Director General of Police (MP), the National Human Rights Commission (NHRC), and the Press Council of India. While the Petitioner was in Delhi, the Bhind Police registered the first retaliatory FIR (No. 261/2025) alleging his presence in Bhind on a date he was actually in Delhi.

9. The Petitioner sought relief from the Delhi High Court, which granted him two months of police protection. Despite this, the Bhind Police continued to pressure him with notices under the SC/ST Act. When Bhind Police officials were spotted at the Delhi High Court attempting to "kidnap" or illegally arrest the Petitioner, he approached the Supreme Court of India.

10. On 04.06.2025, the Supreme Court issued notice to the State, and the NHRC took *suo motu* cognizance of the human rights violations. On 09.06.2025,



the Supreme Court granted the Petitioner interim protection from arrest and directed him to approach the jurisdictional High Court for further relief.

11. In direct defiance of the spirit of the Supreme Court's protection, the Bhind Police registered two more FIRs within 24 hours:

(i) FIR No. 123/2025 (PS Umri): Registered on 10.06.2025 (the subject of this petition), involving allegations by a toll plaza manager.

(ii) FIR No. 129/2025 (PS Raun): Registered on 11.06.2025, under the BNS and SC/ST Act.

12. 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.

13. Counsel for the petitioners submits that the alleged incident of 30.04.2025 was purportedly reported for the first time on 10.06.2025 after an unexplained inordinate and extraordinary delay of more than a month. Such inordinate and unexplained delay casts serious doubt on the veracity of allegations made by the purported Complainant and suggests afterthought and fabrication. It is further submitted that the allegations made in the Impugned FIR and the purported complaint, even if they are taken at their face value and accepted in its entirety, do not *prima facie* constitute any offence or make out a case against the Petitioner under Section 296(b) 308(5), and 351(2) of the BNS and the allegations of extortion and threats are unsubstantiated. Under these circumstances, said FIR



deserves to be quashed.

14. It is further submitted that the absence of any preliminary inquiry or investigation by the police officials at P.S. Umri into the allegations—which are notably vague—demonstrates a total non-application of mind in the registration of the FIR. Such actions indicate a mechanical and arbitrary exercise of power by the Respondents. Given the documented presence of the SHO of P.S. Umri at the SP's office on 01.05.2025, and the suspicious timing of the FIR's registration—occurring exactly one day after the Petitioner was granted protection by the Hon'ble Supreme Court—it is evident that the Impugned FIR was registered with malicious intent. The surrounding circumstances clearly suggest that the Respondents intend to persecute and victimize the Petitioner, thereby preventing him from pursuing lawful remedies against SP Asit Yadav, IPS, and the Bhind Police for their acts of violence against him.

15. 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. They claim the petition is based on "false and frivolous" allegations intended to shield himself from criminal liability.

16. It is further submitted that a typed complaint was moved by one Arun Yadav, S/o Anar Singh Yadav, a resident of Jamna (under the jurisdiction of P.S. Rural Bhind), who serves as the manager of the Umri Toll Plaza. This toll plaza is situated on a State Highway where the State Government has not yet provided FASTag facilities.

17. According to the Complainant, on 30.04.2025 at approximately 4:00 PM, while shift in-charges Shivam Bhadoria, Nilesh Rajawat, and Pawan Yadav were present, the Petitioner, Amarkant Chauhan, arrived and demanded money in exchange for allowing vehicles free passage. When questioned, the Petitioner



allegedly identified himself as a journalist and threatened that if his demands were not met, he would publish false news on his YouTube and Facebook pages to defame the toll plaza and force its closure.

18. It is further alleged that the Petitioner used abusive language and given death threats, stating, 'Don't teach me; I know everything. If you don't pay, you won't be able to run this toll.' Out of fear, and in the presence of several bystanders, the Complainant purportedly gave the Petitioner Rs. 2,000 in front of witnesses Nilesh, Pawan, and Shivam. The Complainant further alleges that on 01.05.2025, the Petitioner returned to demand a monthly payment of Rs. 5,000. Upon the Complainant's refusal, the Petitioner allegedly insulted the Complainant's mother and sister and issued further death threats before leaving. Based on these allegations, FIR No. 123/2025 was registered at P.S. Umri, District Bhind, for offences punishable under Sections 296(b), 351(2), and 308(5) of the BNS against the Petitioner.

19. It is also worth to mention here that, in the case at hand, FIR was registered against the present applicant. Thereafter statements under sections 180, 183 of BNSS, 2023/161, 164 of CRPC were recorded in which incident was clearly supported by the victim. After that, the aforesaid fact was verified by the investigating officer during course of investigation whereas the duty chart of the aforesaid toll plaza employees was seized in which it is clear that the eye witnesses were also present on the incident place. However, all disputed facts cannot be decided by way of by way of in inherent powers in the present petition and these disputed issues can be only decided by the learned trial court by leading the evidence. However petitioner can be raised his defence in appropriate stage.

20. Counsel for Respondent No. 3 drew the Court's attention to the documents annexed to this petition at page 67. This document is a 'Special



Information' notice issued by the IGP, Chambal Zone, Home Department of Madhya Pradesh, and the PRO, Bhopal, addressed to the S.P., Bhind, which reads as follows:

"In Bhind district, for the past some time, through various sources of information, continuous information is being received that some organized gang of YouTubers /WhatsApp news are sending news to the public and government departments like Sarpanch, secretaries, other departments, Anganwadi workers, government teachers, Mining Department, RMP operated clinics, and continuously demanding money and through extortion (blackmailing) economic benefits and other personal benefits are being obtained, which is completely illegal. Therefore, everyone is informed in public interest that if you are extorted by such organized gang, then immediately inform the police. The above act is a punishable offense under the section of Extortion, which has the provision of punishment up to life imprisonment."

21. In view of the above, as well as numerous complaints regarding unnecessary harassment by journalists, including the petitioner, the action must be taken to demonstrate that the complaints lodged by the police are not the result of revenge or personal grudges. Under these circumstances, no interference by this Court is warranted.

22. Having heard the rival contentions and perused the record, this Court is of the considered view that the inherent powers under Section 528 of the BNSS (Section 482 of the CrPC) must be exercised sparingly and only in the rarest of rare cases. While the Petitioner has alleged that the FIR is a product of "malice" and "retaliation" following his reportage on the sand mafia and subsequent Supreme Court protection, these are defense versions that constitute disputed questions of fact.

23. The allegations in FIR No. 123/2025 specifically describe an incident of extortion, the use of abusive language, and criminal intimidation. The



Respondent/State has placed on record statements from the Complainant and eye-witnesses recorded under the relevant provisions of the BNSS, as well as the duty charts of the toll plaza employees, which prima facie support the prosecution's case. Furthermore, the 'Special Information' notice issued by the IGP, Chambal Zone, highlights a broader pattern of alleged extortion by certain individuals under the guise of journalism, suggesting that the police action is a part of a wider administrative response to public complaints rather than a singular act of vendetta.

24. It is a settled principle of law, as established in **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra**, reported in AIR 2021 SC 1918, that the High Court cannot embark upon a "mini-trial" or evaluate the reliability and genuineness of allegations at this preliminary stage. Whether the delay in filing the FIR was fatal, whether the money was actually extorted, or whether the case is manufactured are matters of evidence to be determined by the Trial Court. The threshold established in *Bhajan Lal (Supra)* for quashing is not met here, as the allegations, if taken at face value, do constitute the ingredients of the offenses charged.

25. In light of the above, this Court finds no ground to interfere with the investigation or to quash the FIR at this stage. The Petitioner is at liberty to raise all his grievances and defenses before the learned Trial Court during the appropriate stage of the proceedings.

26. Accordingly, the present petition fails and is hereby dismissed. Pending applications, if any, stand disposed of.

(RAJESH KUMAR GUPTA)
JUDGE

