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WP-10310-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 16th OF JUNE, 2026WRIT PETITION No. 10310 of 2026*GOVIND SINGH RAJPOOT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Vivek Ranjan Pandey - Advocate for the petitioner.

Smt. Priyanka Mishra - GA along with Shri C.S. Upadhyaya - PL for the respondent-State.

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WITH

WRIT PETITION No. 10396 of 2026*REWA ADIVASI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

.....
Appearance:

Shri Amit Dave - Advocate for the petitioner.

Smt. Priyanka Mishra - GA along with Shri C.S. Upadhyaya - PL for the respondent-State.

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Reserved on 30.04.2026.

Pronounced on 16.06.2026.

ORDER

The present batch of writ petitions arises out of the common order dated 18.03.2026 passed by the learned Special Judge (SC/ST (Prevention of Atrocities) Act), Sagar in MJCR No. 498/2026, whereby the Court declined to accept the closure report submitted by the Special Investigation Team (SIT) in Crime No. 329/2025 registered at Police Station Malthone, District Sagar, for offences punishable under Sections 108 and 3(5) of the Bharatiya



Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. W.P. No. 10396/2026 has been preferred by petitioner Reva Adivasi, widow of the deceased Nilesh Adivasi @ Natthu Adivasi, assailing the impugned order primarily on the ground that the closure report was considered without affording her an effective opportunity of hearing and without supplying copies of the closure report and accompanying material. W.P. No. 10310/2026 has been filed by petitioner Govind Singh Rajput challenging the same order and also questioning the very registration and continuance of FIR bearing Crime No. 329/2025. Since both petitions arise out of the same crime, challenge the same impugned order, and involve common questions of fact and law, they are being considered and decided together.

3. The facts, in brief, are that on 01.07.2025, FIR bearing Crime No. 249/2025 was registered at Police Station Malthone, District Sagar, on the basis of allegations attributed to one Nilesh Adivasi @ Natthu Adivasi. Subsequently, on 14.07.2025, the said informant submitted an affidavit/application retracting the allegations made in the FIR. He allegedly reiterated such retraction in his statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and thereafter in his judicial statement dated 15.07.2025 recorded under Section 183 BNSS. On 25.07.2025, Nilesh Adivasi @ Natthu Adivasi died by suicide. Following his death, his widow, Reva Adivasi, alleged that the deceased had been



subjected to pressure, intimidation and harassment by influential persons after he had retracted the allegations contained in the earlier FIR. Claiming that no effective action was being taken by the authorities, she approached this Court seeking registration of a criminal case and a fair investigation into the circumstances leading to the death of her husband. Pursuant thereto, FIR bearing Crime No. 329/2025 came to be registered on 04.09.2025 at Police Station Malthone, District Sagar against Govind Singh Rajput and other co-accused persons, namely Nikki Jain, Raghvendra Parihar and Ajeet Rai, for offences punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

4. During the pendency of proceedings arising out of the said FIR, the Hon'ble Supreme Court, by order dated 11.12.2025 passed in SLP (Crl.) No. 19960/2025, directed constitution of a Special Investigation Team (SIT) for investigation of Crime No. 329/2025 and all connected FIRs. The SIT thereafter conducted investigation and submitted a closure report before the Special Judge, SC/ST (POA) Act, Sagar, which was registered as MJCR No. 498/2026.

5. By the impugned order dated 18.03.2026, the learned Special Judge declined to accept the closure report and issued consequential directions. Aggrieved thereby, Reva Adivasi has filed W.P. No. 10396/2026, whereas Govind Singh Rajput has filed W.P. No. 10310/2026, giving rise to the present proceedings.

6. Learned counsel appearing for the petitioner in W.P. No.



10310/2026 assailed the impugned order dated 18.03.2026 and submitted that the same is wholly arbitrary, perverse and unsustainable in law. It is contended that the learned Special Judge has rejected the closure report submitted by the Special Investigation Team without assigning any cogent, convincing or legally sustainable reasons for discarding the conclusions reached by the investigating agency. According to the petitioner, the impugned order is a non-speaking order reflecting patent non-application of mind, inasmuch as it neither analyses the material collected during investigation nor records any finding demonstrating how the conclusions of the SIT are erroneous. It is further submitted that while considering a closure report, the Court is required to independently evaluate the entire material collected during investigation and thereafter pass a reasoned order indicating the basis on which it agrees or disagrees with the conclusions of the investigating agency. However, in the present case, the learned Special Judge has merely expressed disagreement with the closure report without undertaking any meaningful examination of the evidence gathered during investigation.

7. Learned counsel further argued that the present case stood on a distinct footing as the closure report had not been submitted by an ordinary Investigating Officer but by a Special Investigation Team comprising three senior IPS officers constituted pursuant to the directions of the Hon'ble Supreme Court. It is submitted that the SIT was specifically constituted to ensure an independent, fair and unbiased investigation free from local pressures and influences. Therefore, before discarding the conclusions of



such a high-powered investigating agency, the Court was under a heightened duty to undertake careful judicial scrutiny and record substantial reasons demonstrating why the investigative findings were unacceptable. According to the petitioner, no such exercise is discernible from the impugned order. Learned counsel emphasized that the learned Special Judge completely failed to consider the most material and determinative pieces of evidence available on record. Particular reference was made to the affidavit/application dated 14.07.2025 submitted by deceased Nilesh Adivasi @ Natthu Adivasi retracting the allegations made in Crime No. 249/2025. It was further submitted that the deceased reiterated the said retraction in his statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita as well as in his judicial statement recorded under Section 183 BNSS corresponding to Section 164 Cr.P.C. According to the petitioner, these statements constitute the best available evidence regarding the voluntariness and truthfulness of the allegations initially levelled by the deceased. However, the learned Special Judge neither discusses the evidentiary value of these documents nor records any reason for disregarding them while rejecting the closure report.

8. It is further contended by the counsel that the material collected during investigation clearly exonerates the present petitioner from any involvement in the alleged offence. Learned counsel submitted that the SIT, after examining all relevant witnesses, documentary material and surrounding circumstances, found no evidence connecting the petitioner with the alleged acts leading to the suicide of the deceased. Despite such findings,



the learned Special Judge has proceeded to implicate the petitioner without indicating any material that could prima facie establish his culpability. Learned counsel further submitted that the prosecution story itself suffers from inherent contradictions. According to him, the allegations contained in Crime No. 329/2025 are fundamentally inconsistent with the material emerging from the earlier proceedings and the subsequent statements of the deceased. It is contended that the rival versions are mutually destructive and incapable of co-existence. If the retraction made by the deceased and his subsequent statements are accepted as genuine, the allegations forming the basis of Crime No. 329/2025 become inherently doubtful. Conversely, if the allegations in Crime No. 329/2025 are accepted, the retraction and judicial statements of the deceased would necessarily have to be discarded. The learned Special Judge, however, failed to address this crucial aspect of the matter.

9. Lastly, learned counsel submitted that the impugned order is self-contradictory and internally inconsistent. On one hand, the order records observations indicating absence of direct material against the present petitioner and acknowledges circumstances suggesting his innocence, while on the other hand it proceeds to treat him as a participant in the alleged conspiracy and directs further proceedings against him. Such contradictory findings, according to the petitioner, render the impugned order legally unsustainable and demonstrate lack of proper application of judicial mind. On the aforesaid grounds, learned counsel prayed that the impugned order dated 18.03.2026 be set aside and the closure report submitted by the SIT be



accepted, or in the alternative, the matter be remitted for fresh consideration in accordance with law after due evaluation of the entire material collected during investigation.

10. Learned counsel appearing for the petitioner in W.P. No. 10396/2026 submitted that the impugned order dated 18.03.2026 is vitiated on account of gross violation of the principles of natural justice and the statutory rights available to a victim/complainant. It is contended that before any decision could be taken on the closure report submitted by the SIT, the petitioner, being the widow of the deceased, the first informant after his death and the person most directly affected by the outcome of the investigation, was entitled to receive copies of the closure report along with the entire material relied upon therein so as to enable her to effectively file objections and a protest petition. According to learned counsel, such an opportunity was never meaningfully afforded. Consequently, the entire exercise became one-sided, opaque and fundamentally unfair. It is argued that the right of a complainant or victim to be heard before a closure report is accepted forms an integral component of fair procedure guaranteed under Article 21 of the Constitution and assumes greater significance in cases arising under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which is a beneficial and protective legislation. Therefore, the impugned order deserves to be set aside on this ground alone.

11. Learned counsel further submitted that the impugned order suffers from patent illegality inasmuch as it proceeds without properly appreciating



the purpose for which the Hon'ble Supreme Court had directed constitution of a Special Investigation Team. It is contended that the Supreme Court intervened because the matter had become surrounded by allegations of influence, contradictions and lack of confidence in the ordinary investigative process. According to the petitioner, the learned Special Judge failed to examine whether the investigation conducted pursuant to the directions of the Hon'ble Supreme Court had genuinely addressed those concerns or merely reproduced the deficiencies that necessitated judicial intervention in the first place. It is further argued that the most striking feature of the case is that FIR No. 329/2025 itself contains contradictory and mutually destructive versions. Learned counsel submits that such contradictions go to the very root of the matter and cast serious doubt upon the fairness and completeness of the investigation. The Court below, while considering the closure report, ought to have examined the source of such contradictions, the circumstances in which they arose, and the persons who stood to benefit from them. However, the impugned order fails to undertake any such examination.

12. Learned counsel also contended that the investigation was deliberately fragmented and compartmentalized in a manner that disconnected the chain of events beginning from the registration of Crime No. 249/2025, the subsequent retraction by the deceased, his statements before lawful authorities, the alleged acts of pressure and coercion that followed, and ultimately his suicide on 25.07.2025. According to the petitioner, these events constituted parts of a single continuum and could not have been lawfully examined in isolation. It is submitted that by treating



these events separately, the investigation failed to identify the complete factual matrix and thereby insulated certain influential persons from meaningful scrutiny.

13. Developing the aforesaid argument, learned counsel submitted that the directions issued by the Hon'ble Supreme Court required a connected and integrated investigation covering all related FIRs and interconnected events. However, what was ultimately placed before the learned Special Judge was a fragmented investigation that examined individual incidents in isolation rather than as parts of a continuous sequence. According to the petitioner, acceptance of such a compartmentalized investigation amounted to acceptance of an exercise inconsistent with the very mandate under which the SIT was constituted. Learned counsel further argued that before acting upon the closure report, the learned Special Judge was under an obligation to satisfy itself that the SIT had faithfully complied with the directions of the Hon'ble Supreme Court in both letter and spirit. The Court was required to ascertain whether the investigation was complete, comprehensive, integrated and free from external influence. However, the impugned order does not disclose any such scrutiny and proceeds as though the mere filing of a closure report by the SIT was sufficient to conclude the matter.

14. Learned counsel for the petitioner contends that the learned Special Judge failed to assign due weight to the deceased's retraction dated 14.07.2025 and his subsequent judicial statement recorded under Section 183 BNSS. According to learned counsel, these materials lie at the heart of the



controversy. Once the deceased had withdrawn his earlier allegations before competent authorities, it became essential to investigate whether such retraction was voluntary or whether it had been procured through pressure, manipulation or coercion. The petitioner consistently maintained that the deceased had been subjected to undue influence by politically powerful persons and their associates after the initial FIR was registered. However, the learned Special Judge failed to examine this aspect in its proper perspective. Learned counsel submitted that the petitioner's version has remained materially consistent from the very beginning. Immediately after the death of her husband, she approached the authorities alleging that the deceased had been pressurized, manipulated and ultimately driven to commit suicide by influential political actors and their associates. These allegations formed her earliest version of events and, according to the petitioner, required careful and independent examination. The impugned order, however, discards the petitioner's allegations without any meaningful analysis of their substance or the surrounding circumstances. It is further argued that the learned Special Judge failed to seek any satisfactory explanation from the SIT regarding several crucial issues, including the contradictory contents of FIR No. 329/2025, the evidentiary effect of the deceased's judicial statement, the treatment accorded to the petitioner's complaints and the precise manner in which the directions of the Hon'ble Supreme Court were implemented during investigation. According to the petitioner, the absence of any discussion on these decisive issues itself demonstrates non-application of judicial mind.

15. Learned counsel lastly submitted that the impugned order



effectively grants judicial approval to a process that was neither complete nor fair. The real question before the Court was not merely whether the SIT had reached a particular conclusion, but whether the investigation itself was lawful, comprehensive, unbiased and faithful to the mandate of the Hon'ble Supreme Court. Since the learned Special Judge failed to address that fundamental issue, the impugned order suffers from jurisdictional error and perversity. It is argued that a criminal court cannot act as a mere endorsing authority for an investigation; rather, where the investigation appears incomplete, distorted or legally infirm, the Court is duty-bound to insist upon lawful compliance and a complete inquiry into the truth. On the aforesaid grounds, learned counsel prayed that the impugned order dated 18.03.2026 be set aside and appropriate directions be issued to ensure a fair, complete and integrated investigation in accordance with law and the directions issued by the Hon'ble Supreme Court.

16. Learned Government Advocate appearing for the respondent/State submitted that the State has no independent interest in supporting either of the rival versions advanced by the parties and is primarily concerned with ensuring that the investigation and subsequent proceedings are conducted strictly in accordance with law. It is submitted that pursuant to the directions issued by the Hon'ble Supreme Court, a Special Investigation Team was constituted and the State was duty-bound to facilitate and comply with the said directions. Accordingly, the SIT conducted investigation into the matter and, upon completion thereof, submitted its report before the competent Court in accordance with the provisions of law. The State has discharged its



obligation by placing the outcome of the investigation before the jurisdictional Court and thereafter the matter falls within the domain of judicial consideration. It is further contended by the counsel once a closure report is filed before the competent Court, it is for the Court concerned to independently examine the material collected during investigation and to take an appropriate decision in accordance with law. The investigating agency may place its conclusions before the Court, but the ultimate decision regarding acceptance or rejection of the report lies exclusively within the judicial domain. It is further submitted that the State is equally bound to ensure compliance with the principles of natural justice and procedural safeguards recognized under criminal jurisprudence. If under law the complainant or victim is entitled to notice and an opportunity of hearing before consideration of a closure report, such requirement deserves to be duly observed by the Court dealing with the matter.

17. Learned counsel for the respondent-State fairly submits that the petitioner Reva Adivasi is the widow of the deceased and the complainant at whose instance Crime No. 329/2025 came to be registered. Therefore, any issue regarding adequacy of opportunity afforded to her before adjudication of the closure report may be examined by this Court in accordance with settled legal principles governing the rights of victims and complainants. However, learned Government Advocate further submitted that the ultimate outcome of the proceedings before the learned Special Judge operated in favour of the complainant, inasmuch as the closure report submitted by the SIT was not accepted. At the same time, learned Government Advocate



submitted that the State does not propose to make any submission on the merits of the rival allegations, the correctness of the findings recorded by the SIT, the validity of the closure report, or the reasons assigned by the learned Special Judge while passing the impugned order. All such questions, according to the State, are matters for judicial determination by the competent Court. It is accordingly submitted that this Court may pass such order as may be deemed fit and proper in the facts and circumstances of the case, while ensuring adherence to the principles of natural justice, compliance with the directions issued by the Hon'ble Supreme Court and observance of the procedure prescribed by law.

18. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the controversy involved in the present case can be disposed of on a short but significant legal issue, namely, whether the learned Special Judge could have proceeded to consider and decide the closure report submitted by the SIT without first affording an effective opportunity of hearing to the complainant/victim.

19. The record reveals that Crime No. 329/2025 was registered pursuant to allegations made by petitioner Reva Adivasi after the death of her husband, Nilesh Adivasi @ Natthu Adivasi. The petitioner is not merely a formal informant but is the widow of the deceased and the person who set the criminal law in motion after the alleged incident of abetment of suicide. She is, therefore, a primary complainant as well as a victim within the meaning of criminal jurisprudence. Any decision having the effect of terminating or



substantially affecting the criminal proceedings could not have been taken without affording her a meaningful opportunity of participation.

20. The law on the subject is no longer *res integra*. In *Bhagwant Singh v. Commissioner of Police, (1985) 2 SCC 537*, the Hon'ble Supreme Court authoritatively held that where the Magistrate is inclined to consider a police report seeking closure of the case and not to take cognizance of the offence, the informant must be given notice and an opportunity of hearing before any final decision is taken. The Supreme Court recognized that the informant, having initiated the criminal process, possesses a legitimate interest in ensuring that the investigation has been conducted fairly and that the conclusion reached by the investigating agency is not accepted behind his or her back. The principle enunciated in *Bhagwant Singh (supra)* is not a mere procedural formality but is an extension of the doctrine of *audi alteram partem*, which constitutes one of the foundational pillars of natural justice. The right of hearing must precede the decision-making process and cannot be substituted by a post-decisional justification. Fairness in procedure requires that the affected party be given an opportunity to place its objections before the authority arrives at a conclusion.

21. In the present case, the learned Special Judge ultimately declined to accept the closure report. Therefore, it may be considered that no prejudice has in fact been caused to the petitioner-Reva Adivasi because the result of the proceedings was favourable to her stand. However, the issue is not merely one of actual prejudice but of procedural fairness and institutional



integrity. Judicial orders must not only be fair in their outcome but must also be fair in the process by which they are arrived at. Once the law mandates that the complainant/victim be heard before the Court takes a decision on a closure report, such hearing cannot be dispensed with on the assumption that the eventual order may operate in favour of the complainant. The opportunity of hearing must precede the formation of judicial opinion. If the Court first arrives at a conclusion and thereafter treats the hearing requirement as unnecessary because the conclusion favours one side, the very purpose of the rule of natural justice stands defeated. The outcome of the proceeding must always be subsequent to and not antecedent to the opportunity of hearing.

22. This Court is also of the considered opinion that the requirement of hearing assumes greater significance in the facts of the present case. The matter concerns the death of the petitioner's husband and allegations involving offences under the SC/ST (Prevention of Atrocities) Act. The petitioner was asserting before the Court that the investigation conducted by the SIT was incomplete and that certain aspects had not been adequately examined. Whether such objections are ultimately sustainable or not is a matter to be considered by the competent Court. However, the petitioner certainly possessed a right to place those objections before the Court prior to any adjudication on the closure report.

23. At the same time, this Court is unable to accept the proposition that the impugned order should be sustained merely because the closure report was not accepted. Acceptance of such a proposition would amount to



recognizing a predetermined adjudicatory process. A judicial authority cannot proceed on a pre-formed conclusion and thereafter justify non-compliance with principles of natural justice on the ground that the ultimate result benefited one of the parties. Such an approach is alien to the concept of fair procedure embedded in Article 21 of the Constitution.

24. Accordingly, without expressing any opinion on the merits of the rival contentions, the correctness of the conclusions reached by the SIT, the validity of the closure report, or the propriety of the reasons assigned by the learned Special Judge for declining to accept the same, this Court is of the considered view that the impugned order dated 18.03.2026 cannot be sustained solely on account of failure to afford an effective opportunity of hearing to petitioner Reva Adivasi before adjudication of the closure report.

25. Consequently, the impugned order dated 18.03.2026 passed in MJCR No. 498/2026 is hereby set aside. The matter is remanded to the Court of learned Special Judge (SC/ST (POA) Act), Sagar. The learned Special Judge shall first ensure service of notice upon petitioner Reva Adivasi and provide her reasonable opportunity to inspect and obtain the material accompanying the closure report, if not already supplied, and thereafter afford an effective opportunity of hearing to all concerned parties. Upon such hearing, the learned Special Judge shall consider the closure report afresh and pass an independent, reasoned order strictly in accordance with law, uninfluenced by any observations made in the present order.

26. It is clarified that this Court has not expressed any opinion on the



merits of the case and all questions of fact and law are left open for consideration by the learned Special Judge.

27. Accordingly, the petitions are disposed off.

(HIMANSHU JOSHI)
JUDGE

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