

2026 LiveLaw (SC) 794

**IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY APPELLATE JURISDICTION**

VIKRAM NATH; J., SANDEEP MEHTA; J.

SPECIAL LEAVE PETITION (CRL.) NO(S). 728 OF 2026; AUGUST 12, 2026

LAHRA BAI TAMRE & ORS. *versus* STATE OF CHATTISGARH AND ORS.

Constitution of India, 1950 — Article 21, Article 32, and Article 226 — Code of Criminal Procedure, 1973 (CrPC) — Section 176 and Section 154 — Custodial Death — Failure to register FIR and investigate — Award of interim compensation — Transfer of investigation to Central Bureau of Investigation (CBI) - Custodial Violence and Statutory Inaction - Deceased was arrested for an excise offence carrying a maximum sentence of 3 years and subsequently died in judicial/police custody - Judicial Magistrate First Class conducted an inquiry under Section 176 CrPC and reported that the death resulted from complications arising from a blunt-force head injury, with post-mortem showing multiple antemortem injuries - Despite the inquiry report and the High Court holding that the deceased died due to custodial violence, the State authorities (including DGP and Jail Authorities) failed to register an FIR or initiate an investigation, taking the stance that the judicial inquiry report had not been formally received by police officials - Held: that the stance of "blissful ignorance" and inaction taken by the senior State authorities is reprehensible, sacrilegious, and amounts to an attempt to cover up custodial violence. [Paras 5–7, 14–17]

Transfer of Investigation to CBI - Enhancement / Award of Interim Compensation in Public Law - Where state police and jail authorities exhibited blatant indifference, suppressed material facts (such as post-mortem reports before the High Court), and attempted to mislead inquiry via contradictory preliminary jail medical records, the ends of justice require entrusting the investigation to an independent agency - The Supreme Court directed the Director, CBI, to forthwith register a regular criminal case and investigate the custodial death as well as the conduct of state officials who failed to take follow-up action on the Section 176 CrPC inquiry report - High Court had awarded a "pittance" of Rs. 1,00,000/- as compensation under Article 226 for the custodial death of the 34-year-old sole breadwinner - Held: The compensation awarded was completely inadequate and not commensurate with the gravity of the loss - Supreme Court directed the State of Chhattisgarh to pay Rs. 25,00,000/- (Rupees Twenty-Five Lakhs) as an interim measure to the widow/dependents within four weeks, subject to final determination of total compensation. [Paras 16–22]

[Arising out of impugned final judgment and order dated 03-10-2024 in WPCR No. 76/2024 passed by the High Court of Chhattisgarh at Bilaspur]

For Petitioner(s): Mr. Ambuj Tiwari, Adv. Ms. Nupur Kumar, AOR

For Respondent(s): Mr. Bishwajit Dubey, A.A.G. Mr. Vinayak Sharma, Adv. Mr. Ravinder Kumar Yadav, AOR Mr. Yashvardhan Shah, Adv.

ORDER

Mehta, J.

1. Heard.

2. The petitioners herein, being the legal heirs, i.e., wife and children respectively of Late Shri Shravan Suryavanshi @ Sarvan Tamre¹, approached the High Court of Chhattisgarh at Bilaspur² by way of Writ Petition (Criminal) No.76 of 2024, seeking the following reliefs: -

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records from the respondent authorities pertaining to the deceased Shravan Suryavanshi @ Sarvan Tamre for kind perusal of this Hon'ble Court.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent police authorities to file the prosecution before the competent court on the basis of *marg* intimation and other relevant documents which have been submitted by the petitioners in the instant petition. This Hon'ble Court may kindly be pleased to also direct the respondent police authorities to grant compensation amount of Rs. 50,00,000/- (Rupees Fifty Lakhs) to the petitioners for their rehabilitation against custodial death of the deceased Shravan Suryavanshi @ Sarvan Tamre who died after arresting by the police of Police Station Seepat/respondent No.5.”

3. In sum and substance, the petitioners were aggrieved of the rank inaction shown by the respondents in investigating the custodial death of Shri Shravan Suryavanshi, and also sought a direction to the State to grant appropriate compensation to the petitioners.

4. The High Court while deciding the writ petition *vide* judgment dated 3rd October, 2024, held that Shri Shravan Suryavanshi was subjected to custodial violence and died as a result thereof. In spite thereof, it granted meagre compensation quantified at Rs.1 lakh to the petitioners and completely overlooked the prayer made for directing action against the officers who were responsible for the custodial death of Shri Shravan Suryavanshi. Being aggrieved, the petitioners are before us by way of this instant special leave petition.

Brief facts: -

5. The deceased was apprehended in connection with FIR No.47 dated 18th January, 2024, lodged at Police Station Seepat, District Bilaspur, under Section 34(2) of the Chhattisgarh Excise Act, 1915. As per the FIR, the deceased was found in possession of three bottles, each having a capacity of 2 litres, containing raw *Mahua* liquor, i.e., a total quantity of 6 litres, valued at Rs.1,200/-. The deceased was arrested by Head Constable No.195, Uma Shankar Rathore, of Police Station Seepat and was taken to the police station along with the seized articles. Pursuant to his arrest and remand, the deceased was lodged at Central Jail, Bilaspur, from where he was referred to CIMS Hospital, Bilaspur, on 21st January, 2024, owing to deterioration in his health. He passed away on 22nd January, 2024 at about 6:00 a.m. while undergoing treatment. The dead body of Shri Shravan Suryavanshi was thereafter sent for postmortem examination. The following injuries were noticed by the medical board constituted to conduct post-mortem upon the dead body: -

1. Bleeding from the tip of the penis.
2. Laceration on the occipital scalp, measuring 4 × 2 × 0.5 cm, without stitches, accompanied by swelling and bleeding.
3. Swelling with redness just above the right wrist.
4. Swelling on both legs.
5. Bluish-green/dark contusion on the outer side of the right thigh, measuring 4 × 2 cm.
6. Bluish-green/dark contusion on the back of the body, at the nape of the neck, measuring 4 × 3 cm.

¹ Hereinafter, being referred to as 'deceased'.

² Hereinafter, referred to as the "High Court".

6. The post-mortem examination recorded the cause of death as cardio-respiratory arrest due to complications owing to head injury caused by a hard and blunt object. The post-mortem report further recorded that the injuries were *antemortem* and opined regarding their approximate age as follows:

1. Injury No.2 (laceration on the occipital scalp) was apparently within one day;
2. Injury No.3 (swelling with redness above the right wrist) was apparently within two days; and
3. Injuries Nos. 5 and 6 (contusions on the outer side of the right thigh and at the nape of the neck) were apparently 2 to 6 days old.

7. As the deceased was in custody at the time of his death, the Jail Superintendent, Central Jail, Bilaspur, issued a letter dated 22nd January, 2024, addressed to the learned District and Sessions Judge, Bilaspur, requesting that a judicial inquiry be conducted into the custodial death of Shri Shravan Suryavanshi. Pursuant thereto, the learned District and Sessions Judge, Bilaspur, referred the matter to the learned Chief Judicial Magistrate, Bilaspur, who in turn, assigned the inquiry under Section 176 of the Code of Criminal Procedure, 1973³ to the learned Judicial Magistrate First Class, Bilaspur. The learned Judicial Magistrate First Class, Bilaspur, conducted the inquiry, and submitted a detailed report dated 22nd July, 2024, opining that the death of the deceased appeared to have been caused due to complications arising from the head injury.

8. When no action was forthcoming against the persons responsible for the custodial death of the deceased and no steps were taken for providing compensation to his legal heirs, inspite of the aforesaid pertinent finding recorded in the judicial inquiry report, the petitioners instituted Writ Petition (Criminal) No.76 of 2024 before the High Court, seeking compensation to the tune of Rs.50 lakhs and appropriate action against the officers responsible for the custodial death of the deceased. The Division Bench of the High Court disposed of the said writ petition by judgment dated 3rd October, 2024, observing as below:-

“19. The above quoted judgements make it clear that for the violation of fundamental rights of a citizen by the State or its servants, in the purported exercise of their powers, the affected citizen can resort to the remedy in public law by taking recourse to Article 226 of the Constitution of India. It further makes it clear that the compensation is in the nature of "exemplary damages" awarded against the wrongdoer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort, through a suit instituted in a Court of competent jurisdiction or/and prosecute the offender under the penal law. Thus, it is settled law that compensation can be awarded for violation of fundamental rights in public law domain.

20. Above being the position of fact and law, we have no hesitation in holding that the petitioners, who are widow and daughters of the deceased detenu, are entitled to compensation for wrongful loss of her husband & father and the State being the employer of the employees on account of whose negligence the death of deceased took place, is liable to pay such compensation to the petitioners.

21. Now the question is what should be the amount of compensation. The Courts have time and again deprecated such conduct on the part of the police/jail officials, which is spelt out above, and therefore the compensation, which is to be awarded, should also have a deterrent effect on the State so that its officers should not be encouraged to indulge in such acts which may result in loss of a human life, a fundamental right guaranteed under the Constitution of India. Therefore,

³ For short, 'CrPC'.

taking into consideration the facts and circumstances of the case, in particular the fact that the petitioners have lost the estate, love & affection, and dependency due to untimely death of deceased Shravan Suryavanshi @ Sarvan Tamre at the age of 34 years on account of negligence on the part of the employees of the State, we are inclined to issue a writ of mandamus directing the respondent-State to pay a compensation of Rs.1,00,000/- (Rupees One Lakh) to the petitioners within a period of eight weeks from the date of this order, failing which this amount will carry interest at the rate of 9% per annum from the date of passing of this order. The Director General of Jail, Chhattisgarh, Raipur will ensure payment of the compensation awarded within the time limit specified.

22. In the result, the writ petition stands allowed to the extent indicated above.”

9. The offence alleged against the deceased was punishable with imprisonment which could extend to three years, besides the prescribed fine. Thus, a person who had been taken into custody in connection with an offence carrying a maximum sentence of three years ultimately died while in the custody of the State, allegedly on account of injuries sustained during the period of such custody.

10. The High Court, having found that the death of the deceased was on account of the violence committed upon him during custody, disposed of the matter by granting a pittance of compensation quantified at Rs.1 lakh and, at the same time, did not issue any consequential direction for registration of an FIR or for conducting an investigation into the circumstances leading to the custodial death of the deceased. Being aggrieved, the petitioners are before us by way of this Special Leave Petition.

11. On 28th July, 2026, this Court passed the following order: -

“The writ petition before the High Court, filed by the wife (petitioner no.1) and daughters (petitioner nos. 2 and 3) of the deceased, sought two reliefs, firstly, a fair investigation into the custodial death of the deceased and secondly, compensation of Rs.50,00,000/- on account of the custodial death.

The High Court disposed of the writ petition by awarding Rs.1,00,000/- as compensation and without issuing any direction for the registration of an F.I.R. and investigation into the matter.

Notice was issued in the present special leave petition on 08.01.2026.

A counter affidavit has been filed by the State of Chhattisgarh. However, it does not disclose the steps taken with respect to lodging of the F.I.R. and the investigation into the custodial death of the husband of petitioner no.1 and father of petitioner nos. 2 and 3.

Further, the amount of compensation awarded by the High Court appears to be completely inadequate and not commensurate with the gravity of the loss suffered by the petitioners.

Learned counsel for the respondent-State of Chhattisgarh shall obtain instructions within a week.

List the matter again on 04.08.2026.

On the said date, the Director General of Police and Principal Secretary (Home) for the State of Chhattisgarh, to remain present through video conference.”

12. In compliance of the aforesaid direction, the Director General of Police, the Director General (Prisons) and the Principal Secretary (Home), State of Chhattisgarh, joined the hearing before this Court, proceedings through virtual mode on 4th August, 2026. Upon pertinent query being made by this Court, the Director General of Police took a totally intransigent stance stating that, since the inquiry report under Section 176 CrPC had not been received by the police, there was no occasion for registration of a criminal case so as to investigate the custodial death of Shri Shravan Suryavanshi.

13. The Director General (Prisons) also furnished a rather perfunctory and pedantic explanation for the grave omission to forward the judicial inquiry report to the police officials concerned for necessary follow- up action. A similar indifferent approach was exhibited by the Principal Secretary (Home) as well.

14. It is not in dispute that the custodial death of the deceased was inquired into by the Judicial Magistrate First Class, Bilaspur, under Section 176 CrPC and the inquiry report was submitted on 22nd July, 2024. These facts are borne out from the record and have also been noticed by the High Court. In this backdrop, the stance of blissful ignorance taken by the senior officers of the State of Chhattisgarh, including the Principal Secretary (Home); the Director General of Police and the Director General (Prisons), is sacrilegious and reflects a disturbing disregard of the statutory procedure governing custodial deaths.

15. The explanation offered that neither any police action nor any disciplinary action was taken against the persons responsible because the judicial inquiry report had not been served upon the police officials is a cover-up story and an attempt to pull the wool over the Court's eyes. It is pertinent to note that in the reply filed by the State before the High Court, the State had itself disclosed that the judicial inquiry under Section 176 CrPC had been instituted and that the inquiry report was awaited. The said reply, therefore, clearly establishes that the State authorities were conscious of the judicial inquiry into the custodial death and were awaiting its outcome. The said inquiry report was available on the record when the High Court proceeded to adjudicate the writ petition. Thus, the submission made by the Director General of Police before this Court that there was no occasion to register a criminal case as the judicial inquiry report had not been received by the police officials is patently false and wholly reprehensible.

16. That apart, we have seen the medical reports of the deceased Shravan and find that a clear attempt was made to mislead the inquiry because, in the medical report prepared at the jail at the time of his death, the cause of death was recorded as **cardiopulmonary arrest with aspiration pneumonitis**, with the diagnosis being alcoholic withdrawal and delirium tremens. There is no reference whatsoever in the said medical report to the head injury or any of the other injuries subsequently noticed in the post-mortem report, which recorded multiple external injuries and opined that the cause of death was **cardio-respiratory arrest due to head injury and its complications caused by a hard and blunt object**. The post-mortem report was for the first time placed on record with an additional affidavit filed by the State in compliance of the order dated 28th July, 2026. The petitioners have clearly alleged that, for the first time, they have been able to lay hands on the same. The post-mortem was conducted in the presence of the learned Judicial Magistrate First Class and bears his signatures, presumably because the same was undertaken during the course of the inquiry under Section 176 CrPC.

17. Having regard to the age of the injuries noted in the post-mortem report, particularly Injury No. 2, being the laceration on the occipital scalp which was opined to be within one day, and Injuries Nos. 5 and 6 which were opined to be 2 to 6 days old, the possibility of the deceased having sustained these multiple injuries spread over the period of his custody cannot be ruled out. The facts, therefore, clearly warranted immediate registration of an FIR and a thorough investigation into the circumstances leading to the death of Shri Shravan, which, the State authorities conveniently and deliberately tried to cover up. The fact that the post-mortem report was not placed before the High Court and that the relevant material was brought on record only pursuant to the directions issued by this Court further highlights the dilatory approach adopted by the State authorities.

18. In the facts and circumstances of the case, we are of the firm opinion that the ends of justice require that the investigation into the circumstances leading to the custodial death of Shri Shravan be entrusted to the Central Bureau of Investigation⁴ and that all officials found responsible for the custodial violence, upon completion of the investigation, be proceeded against and prosecuted in accordance with law.

19. Accordingly, the Director, CBI, shall forthwith ensure registration of a regular criminal case in relation to the custodial death of Shri Shravan. The investigation shall be entrusted to a senior officer of CBI and shall be conducted expeditiously. The report of the Investigating Officer shall be placed before this Court for its perusal on the next date of hearing. The conduct of the concerned State officials in failing to take appropriate steps pursuant to the submission of the judicial inquiry report shall also be duly examined and made a part of the investigation.

20. The Director General of Police, Chhattisgarh shall ensure that the complete records of the case are transmitted to the Director CBI through a special messenger within a week from today.

21. The finding recorded by the High Court that the deceased was the sole breadwinner of his family and that he died an unnatural death on account of violence suffered during the period of his custody with the State is not even disputed by the State of Chhattisgarh.

22. Thus, as an interim measure, we direct that compensation to the tune of Rs.25,00,000/- (TwentyFive Lakhs Only) shall be paid by the State of Chhattisgarh to the petitioners herein. The final quantum of compensation payable to the petitioners shall be determined while adjudicating the instant petition. The interim compensation as directed above shall be paid into the bank account of petitioner No.1-Smt. Lahra Bai Tamre within a period of four weeks from today. The account details shall be furnished by learned counsel for the petitioners to learned counsel appearing for the State of Chhattisgarh within a period of seven days.

23. A copy of this order shall be electronically transmitted to the Principal Secretary (Home), State of Chhattisgarh; Director General of Police, State of Chhattisgarh; Director General (Prisons), State of Chhattisgarh; and Director, Central Bureau of Investigation, New Delhi.

24. List again on 13th October, 2026.

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⁴ For short, "CBI".