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WP-24408-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 24th OF AUGUST, 2026WRIT PETITION No. 24408 of 2025*Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Anil Khare - Senior Advocate alongwith Shri Priyank Agrawal -
Advocate for the petitioner.*

*Shri Mukesh Shukla - Government Advocate for the respondent No.
1 to 3 and 5/State.*

*Shri Lawkush Mishra - Advocate for the respondent No.
4/complainant.*
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ORDER

This petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking, principally, quashing of FIR bearing Crime No registered at Police Station, District Rewa, for offences punishable under Sections 64, 64(2)(h), 64(2)(m), 70, 3(1)(w)(ii) and 3(2)(5) of the Bharatiya Nyaya Sanhita, 2023 and for consequential reliefs. The petitioner has also sought a direction for fair and impartial investigation, action against the complainant for allegedly lodging false complaints and appropriate departmental action against the police officials allegedly responsible for irregularities in the investigation in another criminal case.



2. The petitioner, a practising Advocate at Rewa, had represented respondent No.4 in matrimonial proceedings against her husband. According to the petitioner, after he withdrew from the matter and issued an NOC, respondent No.4, being aggrieved, started making complaints against him. He relies upon earlier complaints, police reports and proceedings concerning respondent No.4 to contend that she has a history of making false complaints against different persons. He further relies upon the Action Taken Report and minutes of the proceedings before the National Commission for Scheduled Castes dated 13.05.2025, asserting that the allegations against him were earlier found unsubstantiated.

3. On 14.05.2025, respondent No.4 lodged a complaint at Police Station Chorhata alleging that the petitioner, after pressurising her to compromise her matrimonial dispute, made obscene calls and subsequently subjected her to repeated sexual assault on 26.12.2024, 04.01.2025 and 15.02.2025. She further alleged that after discovering her pregnancy on 11.02.2025, the petitioner asked her to take medicines for terminating the pregnancy. On the basis of the complaint, Crime No.258/2025 was registered for offences under the BNS and the SC/ST Act. The petitioner has challenged the FIR under Article 226 of the Constitution, alleging malicious prosecution, abuse of process and collusion between respondent No.4 and the police authorities.

4. Learned counsel for the petitioner submits that the impugned FIR is a retaliatory proceeding instituted after the petitioner refused to continue as counsel for respondent No.4. It is argued that the earlier complaints made by respondent No.4 had been found unsubstantiated and, therefore, registration



of the impugned FIR, immediately after the proceedings before the National Commission for Scheduled Castes, demonstrates mala fide exercise of power. Learned counsel submits that the Action Taken Report and the minutes of the Commission's proceedings, relied upon as Annexure P/17, demonstrate absence of material against the petitioner. It is further argued that respondent No.4 has lodged several complaints against different persons and has allegedly obtained monetary compensation by invoking the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The petitioner relies upon Annexure P/20 in support of the said submission. It is contended that the petitioner is an Advocate of long standing and that the prosecution has caused serious prejudice to his reputation and professional standing.

5. Per contra, learned Government Advocate appearing for respondent Nos.1 to 3 and 5 submits that the petition proceeds upon disputed questions of fact which cannot be adjudicated in exercise of writ jurisdiction. It is submitted that the FIR contains specific allegations of repeated sexual assault, including allegations concerning the dates 26.12.2024, 04.01.2025 and 15.02.2025, and allegations concerning pregnancy and the alleged demand to terminate the pregnancy. It is submitted that the allegations, taken at their face value, clearly disclose cognizable offences and, therefore, the investigation cannot be interdicted at its inception. Learned counsel further submits that the statement of the victim under Sections 180 and 183 of the BNSS has been recorded and medical examination has been conducted. The investigation is continuing and the victim is presently not traceable. It is



therefore argued that the defence of the petitioner regarding false implication, previous complaints, professional relationship, alleged access to the case diary and alleged collusion between respondent No.4 and police officials are matters requiring investigation and evidence and cannot be conclusively determined in the present proceedings.

6. Learned counsel for respondent No.4 submitted that the allegations in the FIR are specific, serious and supported by the subsequent investigative material. It is contended that respondent No.4 was initially acquainted with the petitioner in the capacity of Advocate and client, but the allegations concern acts allegedly committed by the petitioner thereafter. It is submitted that the previous complaints relied upon by the petitioner do not establish that the present allegations are false and that the petitioner cannot seek a finding of innocence by relying upon disputed documents and his own interpretation of the proceedings in other cases. It is further submitted that the investigation is yet to be completed and that the Court should not examine the credibility of the victim or the evidentiary value of the material at this stage.

7. Having heard learned counsel for the parties and having perused the material placed on record, the principal question which arises for consideration is whether, on the allegations contained in the impugned FIR and the material presently available, the extraordinary jurisdiction of this Court under Article 226 of the Constitution ought to be exercised to quash the FIR and terminate the investigation at its threshold.

8. In the present case, the FIR cannot be said to be bereft of particulars or



to disclose no offence. On the contrary, the informant has attributed specific acts to the petitioner, has mentioned particular dates and places and has narrated the alleged circumstances preceding and following the incidents. Whether the allegations are true, whether the alleged incidents occurred in the manner stated, whether the petitioner was present at the relevant places, whether the allegations regarding the telephone calls and communications are supported by electronic evidence, whether the allegation concerning pregnancy is supported by medical evidence, and whether the allegations regarding the alleged associate are correct are all matters for investigation. At this stage, this Court cannot substitute its assessment of the credibility of the informant for that of the investigating agency.

9. The principal defence of the petitioner is that respondent No.4 has a history of lodging false complaints and that previous complaints against different persons were either closed or did not result in registration of an FIR. Even if the documents relied upon by the petitioner are accepted for the present purpose, the same do not conclusively establish that the allegations contained in the impugned FIR are false. A previous complaint found to be unsubstantiated is not, by itself, proof that every subsequent complaint made by the same person is necessarily false. Each criminal allegation has to be examined on its own facts and on the material collected in the investigation.

10. Likewise, the fact that the petitioner and respondent No.4 had an Advocate-client relationship does not, at the stage of registration of the FIR, render the allegations inherently impossible. Indeed, the FIR itself proceeds from the existence of such relationship and alleges that the alleged criminal



acts occurred subsequently. Whether the allegations represent an afterthought arising out of a professional dispute or disclose genuine criminal conduct is a matter which cannot be determined merely by examining the Vakalatnama or the order-sheets of the matrimonial proceedings.

11. The contention regarding the Action Taken Report submitted before the National Commission for Scheduled Castes also does not justify quashing of the subsequent FIR. The documents relied upon as Annexure P/17 may be relevant material for the investigating agency, but an administrative or preliminary inquiry into a complaint cannot necessarily be treated as a judicial adjudication of the truth or falsity of allegations which were subsequently incorporated in a detailed FIR containing specific allegations of cognizable offences. The FIR itself was lodged on 14.05.2025 and the investigation thereafter has resulted in recording of statements under the BNSS and medical examination. The effect and evidentiary value of such material cannot be determined in these proceedings.

12. The petitioner has also alleged that respondent No.4 obtained access to the case diary in Crime and relied upon certain material in proceedings before the Sessions Court. This allegation may warrant examination by the competent police authority if there is material to substantiate unauthorized disclosure of investigation records. However, even assuming that an irregularity occurred in the investigation of another crime, such circumstance does not, without more, establish that Crime is false or that the allegations contained therein are incapable of



investigation. The two issues are legally distinct.

13. The reliance upon the orders passed by this Court in M.Cr.C. No.43837/2024 and connected proceedings also does not advance the petitioner's prayer for quashing the present FIR. Those proceedings related to another crime and the conduct of the investigating officers in that matter. The observations concerning delay in arrest or departmental action against police officers cannot be treated as a judicial finding that the allegations subsequently made against the petitioner in Crime No are false.

14. It is significant that the petitioner seeks not merely quashing of the FIR but also a declaration that respondent No.4 is habitually lodging false complaints, a direction for inquiry against her and disciplinary action against named police officials. Such reliefs would necessarily require determination of disputed factual allegations, examination of the conduct of several persons in different criminal proceedings and assessment of documentary and oral evidence. Such an exercise is plainly beyond the permissible scope of jurisdiction at the stage of investigation.

15. The petitioner's contention regarding his professional reputation and right to dignity under Article 21 cannot be ignored. The right to reputation is undoubtedly an aspect of the right to life and personal liberty. However, the protection of reputation cannot be translated into a principle that a person against whom specific cognizable allegations are made must be insulated from investigation merely because he is a professional of standing. The Court must balance the individual's rights with the equally important obligation of the criminal justice system to investigate allegations of serious



offences in accordance with law.

16. The subsequent development placed on record, namely, the order dated 04.06.2026 passed by the Inspector General of Police, Rewa Zone, is also required to be noticed. From the said order it appears that respondent No.4 herself approached the competent police authority seeking a fair investigation of Crime No.. Considering the nature of the allegations, Smt. Pratima Sharma, Sub-Divisional Officer (Police), , District Rewa, has been appointed as Inquiry Officer and directed to obtain the case diary and all relevant documents, undertake further investigation on the points raised by the complainant and ensure speedy disposal of the investigation. Thus, the grievance regarding the fairness of the investigation has, to a considerable extent, already received administrative consideration and a different officer has been entrusted with further investigation. The said order dated 04.06.2026 is therefore a relevant subsequent development and substantially addresses the prayer seeking an impartial investigation.

17. In view of the aforesaid order, this Court finds no necessity to issue a separate direction for Court-monitored investigation. At the same time, the investigating officer now entrusted with the matter shall conduct the investigation fairly, objectively and strictly in accordance with law. The investigation shall not be influenced either by the allegations made by respondent No.4 or by the defence projected by the petitioner. All relevant material, including the earlier complaints, the Action Taken Report and minutes of the proceedings before the National Commission for Scheduled



Castes, medical material, electronic material, statements of relevant witnesses and any other material legitimately brought to the notice of the investigating agency, shall be considered in accordance with law.

18. The prayer for restraining the respondents from taking coercive action against the petitioner also cannot be granted as a matter of course. The investigation of a cognizable offence cannot be rendered ineffective by an omnibus direction restraining lawful investigative steps. If the petitioner has any independent statutory remedy concerning his arrest or any coercive step, he shall be at liberty to avail the same in accordance with law.

19. The further prayer seeking a blanket direction restraining disclosure of the petitioner's name or the contents of the investigation in the media also cannot be granted in the sweeping form sought in the petition. Needless to say, the investigating agency and all concerned authorities are bound to comply with the applicable law and the directions of the Supreme Court concerning disclosure of the identity and privacy of persons involved in criminal investigations, particularly in cases concerning sexual offences.

20. Consequently, this Court is of the considered view that the impugned FIR does not fall within any of the categories warranting interference at the threshold. The allegations, if taken at their face value, disclose cognizable offences and the disputed questions raised by the petitioner require investigation and cannot be adjudicated in proceedings under Article 226 of the Constitution.

21. Accordingly, the petition is dismissed, insofar as the prayer for quashing of Crime No. registered at Police Station ,



District Rewa, and the consequential criminal proceedings is concerned.

22. However, in view of the subsequent order dated 04.06.2026 passed by the Inspector General of Police, Rewa Zone, the investigation shall be conducted by the officer presently entrusted with further investigation, namely Smt. Pratima Sharma, Sub-Divisional Officer (Police),

District Rewa, in accordance with the said order and strictly in accordance with law. The investigating officer shall consider all relevant material objectively and shall not be influenced by the observations contained either in the present order or in the rival pleadings of the parties.

23. The prayer seeking initiation of criminal or departmental proceedings against respondent No.4 or the police officials named by the petitioner is also declined at this stage, leaving it open to the petitioner to pursue such remedy before the competent authority in accordance with law, if he possesses material warranting such proceedings.

24. With the aforesaid observations and directions, the writ petition stands dismissed.

(HIMANSHU JOSHI)
JUDGE