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WP-18696-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 1<sup>st</sup> OF SEPTEMBER, 2026WRIT PETITION No. 18696 of 2026

LBD

*Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Santosh Anand - Advocate for the petitioner.*

*Smt. Priyanka Mishra- Government Advocate for the respondents/*

*State.*

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ORDER

By this petition under Article 226 of the Constitution of India, the petitioner seeks a direction for fair and proper investigation into Merg/Inquest Intimation No.06/2025 dated 13.07.2025, Police Station Kotwali, District Burhanpur, concerning the death of her son, and for appropriate action upon her representations submitted before the superior police authorities.

2. The petitioner, aged about 66 years, is the mother of deceased.

According to the petition, died in the intervening night of 12.07.2025 and 13.07.2025 in Room No.103 of Hotel Mid Town, Gujarati Market, Burhanpur. On information furnished by the hotel manager, Merg/Inquest Intimation No.06/2025 was registered at Police Station Kotwali, Burhanpur. The post-mortem examination was conducted on 13.07.2025 and, as per the



report filed as Annexure-P/3, the cause of death was asphyxia as a result of hanging.

3. The petitioner alleges that before death, the deceased uploaded a video on his Facebook account in which he named RI, stated to be his wife, PCI, stated to be her father, and JI and SI, stated to be her relatives, and attributed responsibility to them for the circumstances leading to his death. The petitioner states that she thereafter repeatedly approached the police authorities. Representations were submitted before the Superintendent of Police, Burhanpur on 12.08.2025, the Chief Minister on 11.09.2025 and the Inspector General of Police, Khargone on 23.10.2025. Copies are collectively filed as Annexure-P/4.

4. It is further stated that, brother of the deceased, sought information regarding the investigation under the Right to Information Act and, vide reply dated 29.03.2026, Police Station Kotwali informed him that the investigation was still under process. The said reply is Annexure-P/5. The petitioner alleges that despite repeated approaches, no effective investigation has been conducted and that the matter has been treated merely as a matrimonial dispute. It is also alleged that there are allegations against a police Sub-Inspector, giving rise to apprehension of an unfair investigation.

5. Learned counsel for the petitioner submits that the alleged video made by the deceased immediately before his death is important material which requires proper investigation. The police could not have closed the matter merely by recording the death as suicide. It is submitted that the authenticity of the video, its contents, the conduct of the persons named therein and the



circumstances preceding the death ought to have been examined. It is therefore prayed that a fair and impartial investigation be directed.

6. Learned Government Advocate opposes the petition and submits that the Merg inquiry is already under investigation and no conclusion regarding commission of an offence can be drawn merely on the basis of the allegations made by the petitioner. It is further submitted that the petitioner has an efficacious statutory remedy before the competent Magistrate if she is aggrieved by the manner of investigation.

7. Heard the parties through their counsels and perused the material available on record.

8. In the present case, the death of the petitioner's son occurred on 13.07.2025 and a Merg/Inquest Intimation was registered. The petitioner has placed on record the post-mortem report as Annexure-P/3. More importantly, she has placed on record a transcript of an alleged video made by the deceased prior to his death, wherein certain persons have allegedly been named and allegations have been attributed to them. Whether the video is genuine, whether it was actually uploaded by the deceased, whether the transcript correctly reproduces its contents, and whether the allegations contained therein constitute abetment of suicide or any other cognizable offence are matters which necessarily require investigation. At this stage, this Court cannot either accept the allegations as proved or reject them without investigation.

9. The fact that the death was prima facie a case of suicide by hanging also does not, by itself, bring the matter to an end. Where material is brought



before the police suggesting that the deceased may have been subjected to conduct which could have contributed to or facilitated the commission of suicide, the investigating agency is required to examine such material in accordance with law.

10. Another circumstance which cannot be ignored is that the petitioner claims to have approached the Superintendent of Police, the Inspector General of Police and other authorities through written representations, copies of which have been filed as Annexure-P/4. The reply dated 29.03.2026, filed as Annexure-P/5, indicates that the investigation was still stated to be under process at that stage.

11. In these circumstances, this Court is of the considered opinion that the ends of justice would be met by directing the Superintendent of Police, Burhanpur, to ensure that the investigation is conducted by a responsible police officer, preferably not below the rank of Deputy Superintendent of Police, who shall be independent of the officer against whom allegations have been made in the petition.

12. It is clarified that this Court is not directing registration of any particular offence or holding that any person named by the petitioner is guilty of abetment of suicide or any other offence. The competent investigating agency shall independently examine the entire material and, if the facts and material collected disclose commission of a cognizable offence, shall take appropriate action in accordance with law. The exercise directed herein shall be undertaken objectively and without being influenced by any observations made in this order. The petitioner shall be at liberty to furnish any further



material in her possession to the investigating officer.

13. Consequently, the petition is **disposed of** with the following directions:

*(i) The Superintendent of Police, Burhanpur, shall ensure that the investigation/inquiry arising out of Merg/Inquest Intimation No.06/2025 dated 13.07.2025, Police Station Kotwali, District Burhanpur, is conducted fairly, impartially and expeditiously.*

*(ii) The investigation shall be entrusted to a responsible officer, preferably not below the rank of Deputy Superintendent of Police, other than any officer against whom allegations of bias or involvement have been specifically raised.*

*(iii) The investigating officer shall examine the alleged video uploaded by the deceased, its authenticity and source, the original electronic record and other relevant electronic evidence, besides recording the statements of relevant witnesses and examining all circumstances preceding and surrounding the death.*

*(iv) The representations submitted by the petitioner, including those dated 12.08.2025 and 23.10.2025, filed as Annexure-P/4, shall also be taken into consideration.*

*(v) Upon completion of the requisite inquiry/investigation, if the material discloses commission of a cognizable offence, appropriate proceedings shall be initiated in accordance with law. If no cognizable offence is found to have been made out, the competent authority shall take a reasoned decision in accordance with law.*

*(vi) The Superintendent of Police, Burhanpur, shall monitor the progress of the investigation and ensure that the same is brought to its logical conclusion expeditiously, preferably within a period of three months from the date of production of a certified copy of this order.*

(HIMANSHU JOSHI)  
JUDGE