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WP-19656-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 14th OF JANUARY, 2026WRIT PETITION No. 19656 of 2025*RAMGOPAL SAKHWAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Awdhesh Singh Bhadauria - Advocate for the petitioner.

Shri Samar Ghuraiya - Government Advocate for the State.

Shri Ravi Choudhary - Advocate for the respondent No.2.

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ORDER

The presnet petition under Article 226 of the Constitution of India has been filed by the petitioner seeking following reliefs:

7(I). यह कि, प्रत्यार्थीगण को आदेशित किया जावे कि पुलिस थाना मुरार जिला ग्वालियर में याचिकाकर्ता के पुत्र रजनीश के संबंध में दर्ज गुमशुदगी क्रमांक 36/2024 तथा उक्त संबंध में याचिकाकर्ता के पुत्र रजनीश का शव मिलने के संबंध में पुलिस याना-पुरानी छावनी जिला ग्वालियर में दर्ज मर्ग क. 19/2024 की जांच/विवेचना CBI को सुपुर्द की जावें।

7(II). यह कि, CBI को आदेशित किया जावे कि उक्त मामले की विवेचना यथासंभव अतिशीघ्र पूर्ण की जाकर सक्षम न्यायालय में अन्तिम प्रतिवेदन प्रस्तुत करे।



7(III). यह कि, प्रत्यार्थीगण को आदेशित किया जावे कि उक्त मामले में लापरवाही वरतने वाले दोषी अधिकारियों के विरुद्ध विभागीय एवं दण्डात्मक कार्यवाही की जावे।

7(IV). यह कि, न्यायहित में जो भी उचित हो आदेश/निर्देश जारी किया जावे।

Short facts of the case are that the petitioner is a poor labourer by profession who earns his livelihood through daily wages and supports his family with great hardship. He is a permanent resident of Village Koksingh Ka Pura, Roar, Police Station Ambah, District Morena, Madhya Pradesh, and was residing at Gwalior for employment purposes. The petitioner has four children, including two sons and two daughters. His eldest son, Rajneesh Sakhwar, was of marriageable age and his marriage had been fixed in the year 2024. The ceremony of Phaldan was scheduled to be held on 19.04.2024 and the marriage ceremony on 23.04.2024. On 15.04.2024, when the petitioner returned home in the evening, he did not find his son Rajneesh at home. Upon inquiry, his daughter Pooja informed him that Rajneesh had left the house at about 6:30 PM to distribute wedding invitation cards. The petitioner contacted Rajneesh on his mobile phone, whereupon Rajneesh informed him that he was at City Centre, Gwalior, and would return home within an hour. However, Rajneesh did not return home for a long time, and when the petitioner again attempted to contact him, his mobile phone was found switched off. Despite waiting for several hours and making extensive



efforts, the petitioner was unable to trace his son. Consequently, on 17.04.2024, the petitioner along with his wife Babita Sakhwar approached Police Station Morar, District Gwalior, and lodged a missing person report, which was registered as Missing Person Registration No.36/2024. Despite continuous efforts made by the petitioner and his family members to locate Rajneesh, no information regarding his whereabouts could be gathered. During the course of searching for his son, the petitioner came to know that Rajneesh was in regular contact with Ms. Poonam Jarseniya, a resident of Sikandar Kampoo, Bandha Ka Para, Lashkar, Gwalior, who was a married woman. It was also revealed that due to this relationship, her family members used to threaten Rajneesh. Apprehending that some untoward incident might have been caused to his son, the petitioner, through his wife, submitted a written complaint dated 15.05.2024 to the Superintendent of Police, Gwalior, expressing grave suspicion against the said persons. As no effective steps were taken by the respondent police authorities to trace Rajneesh, the petitioner was compelled to approach this Court by filing a Habeas Corpus Petition bearing W.P. No. 13832/2024, wherein Ms. Poonam Jarseniya and her parents were also arrayed as parties. On 20.05.2024, the Division Bench directed the State counsel to seek instructions and ordered the production of the corpus before the Court. Despite repeated directions issued on subsequent dates, the police authorities failed to trace or produce Rajneesh. By a detailed order dated 09.12.2024, the



Division Bench recorded its dissatisfaction with the manner in which the investigation was being conducted and observed that the police authorities were merely completing formalities without making sincere efforts. The Superintendent of Police, Gwalior, was summoned before the Court and assured that a deeper and more effective investigation would be conducted. During the hearing dated 16.12.2024, the police authorities informed the Court that Rajneesh had allegedly committed suicide by jumping in front of a train. The petitioner identified the clothes found on the body and the photographs shown to him as belonging to his son. Subsequently, on 20.01.2025, the police further stated that the DNA report had confirmed that the deceased found on the railway track was Rajneesh. This Court expressed serious displeasure over the inordinate delay and negligence on the part of the police officials and summoned the concerned officers to explain their conduct. Ultimately, on 22.01.2025, the Habeas Corpus Petition was disposed of. While disposing of the petition, the Division Bench categorically recorded findings of gross negligence, lack of coordination, and serious lapses on the part of the police authorities. The Court noted that although the missing person report had been lodged at Police Station Murar, the unidentified dead body was recovered from the jurisdiction of Police Station Purani Chhawani, Gwalior, yet due to lack of inter-departmental coordination, the body remained unidentified for a considerable period. Directions were issued to the Director General of Police to initiate



appropriate action against the erring officials. During the course of the proceedings, the police placed on record statements of Ms. Poonam Jarseniya, her husband Ashish, her parents, and other witnesses. These statements revealed that Rajneesh and Poonam were in a long-standing relationship, and they had gone together to Bageshwar Dham on 13.04.2024 along with others, and an attempt was made to solemnize their marriage at a temple, which could not be completed due to Poonam's ill health. The statements further disclose that Poonam's husband and family members were aware of her continued contact with Rajneesh even after her marriage. It also emerged from the statements that Rajneesh had repeatedly expressed that he would leave his home or disappear if his marriage was forcibly solemnized elsewhere. The petitioner submitted that these facts gave rise to a strong suspicion that Rajneesh did not commit suicide and after his relationship became known, Poonam's husband and relatives, in connivance with each other, intentionally caused his death and projected it as a case of suicide or accidental death by throwing him before a train. The petitioner submitted that Rajneesh had no reason whatsoever to commit suicide, particularly when his own marriage was imminent. More than one year has elapsed since the incident, yet no fair, impartial, or effective investigation has been carried out. In view of the findings already recorded by this Court regarding gross police negligence, the petitioner had completely lost faith in the local police machinery. The petitioner, therefore, submitted



that the District Police is neither adequately equipped nor capable of conducting a fair and independent investigation in the present matter, and in the interest of justice, the investigation deserves to be handed over to an independent and higher agency such as the Central Bureau of Investigation.

Learned counsel for the petitioner submits that the present writ petition has been filed invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, as the petitioner has been denied a fair, impartial, and effective investigation into the unnatural death of his son, Rajneesh Sakhwar. The gross negligence, lack of coordination, and deliberate inaction of the respondent police authorities have frustrated the petitioner's efforts to secure justice.

It is further submitted that the petitioner's son went missing on 15.04.2024, when his marriage ceremonies were imminent and there was no circumstance suggesting any suicidal tendency. A missing person report was promptly lodged on 17.04.2024 at Police Station Murar, District Gwalior, but the police failed to conduct a meaningful investigation. Despite the fact that an unidentified body was recovered from the railway track under the jurisdiction of Police Station Purani Chhawani, Gwalior, the police failed to correlate the missing person report with the recovered body. This resulted in an inordinate delay of several months in identification, which has already been held by this Court to constitute gross negligence.



It is further submitted that the petitioner was constrained to approach this Court by filing a Habeas Corpus Petition and during the proceedings, repeated directions were issued to the police authorities to trace and produce the corpus. The Division Bench, after monitoring the matter over several hearings, recorded categorical findings that the investigation was being conducted in a mechanical and casual manner, and the police officers were merely completing paperwork without sincere efforts. The Hon'ble Court summoned the Superintendent of Police, Gwalior, and directed the Director General of Police to take appropriate action against the erring officials, thereby acknowledging the serious lapses in the investigation.

It is further submitted that the police conclusion that the deceased committed suicide is based on assumptions and not on a legally sustainable investigation. The authorities failed to consider the angle of abetment or homicidal death despite overwhelming material suggesting motive and threats. Statements recorded during investigation clearly established that the deceased was in a long-standing relationship with Ms. Poonam Jarseniya, a married woman, and her husband and family members were aware of the same. The material further revealed that the deceased accompanied the said woman to Bageshwar Dham just two days prior to his disappearance and an attempt to solemnize their marriage was made, which strengthens the suspicion of foul play.

It is further submitted that the deceased had openly expressed



apprehension and emotional distress due to pressure being exerted upon him to sever ties with the said woman and proceed with an arranged marriage. These aspects were neither investigated properly nor examined from the perspective of criminal conspiracy or abetment. The police deliberately failed to collect scientific, electronic, and circumstantial evidence which could have thrown light on the true cause of death.

It is further submitted that the post-mortem report itself does not support the conclusion of suicide arrived at by the investigating agency and the post-mortem report records that the cause of death is “due to ante-mortem injuries caused by hard and blunt object” and further states that the “nature of death could not be ascertained.” The medical officer has not opined whether the death was accidental, homicidal, or suicidal. Thus, none of the three legally recognized categories of death has been certified in the post-mortem report.

It is further submitted that when the medical opinion itself is vague and inconclusive, the police could not have presumed the death to be suicidal. Injuries caused by a hard and blunt object are equally consistent with homicidal assault, and the post-mortem report does not rule out such a possibility. In the absence of a categorical medical opinion, the conclusion of suicide is based on assumption rather than evidence, rendering the investigation legally unsustainable and incomplete.

It is further submitted that the petitioner belongs to a poor and



marginalized background and lacks the means or influence to compel a proper investigation by the local police and once this Court itself has recorded findings of negligence and lack of coordination on the part of the police, no further confidence can be reposed in the same agency to conduct a fair and unbiased investigation. The law is well settled that where an investigation lacks credibility and inspires no confidence, constitutional courts are empowered to direct investigation by an independent agency such as the Central Bureau of Investigation to ensure justice and maintain public faith in the criminal justice system.

It is further submitted that more than one year has elapsed since the incident, yet the investigation has not reached any logical conclusion and the delay has caused irreparable prejudice to the petitioner and resulted in the destruction or dilution of crucial evidence.

It is further submitted that the Hon'ble Supreme Court in *Azija Begum v. State of Maharashtra*, reported in (2012) 3 SCC 126, in Paragraph 13, has held that every citizen has the right to have their complaint properly investigated. The legal framework of investigation cannot be selectively available to some citizens and denied to others. This is a question of equal protection under the law and ensuring equal access to justice. A fair and proper investigation is essential to uphold the rule of law and maintain public confidence in a democratic society.

Further, in *Shakila Abdul Ghaffar Khan v. Vasant Raghunath Dhoble* reported in AIR 2003 SC 4567, the Hon'ble Supreme Court had



observed that once the confidence of citizens in the authorities is forfeited, it cannot be easily regained and deficient investigation or prosecution must be addressed appropriately to ensure justice, as justice has no favourites, only the truth.

In *State of West Bengal v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571, the Hon'ble Supreme Court elaborated on the constitutional powers of judicial review under Articles 32 and 226. The Apex Court observed that fundamental rights under Part III of the Constitution, including Article 21, extend not only to the accused but also to victims. The State has a duty to ensure a fair and impartial investigation, including against its own officials, and courts may direct investigation by independent agencies in exceptional situations. The Court held that the power of constitutional courts to direct investigation by the CBI does not violate the doctrine of separation of powers or the federal structure.

It is further submitted that under Article 14 of the Constitution, every citizen is entitled to equal protection of the law. In the present case, the petitioner has been struggling for justice for more than one year. The local police have failed to ascertain the truth in the matter despite repeated directions from this Court. In such circumstances, entrusting the investigation to the CBI is both just and necessary as the Division Bench, during the Habeas Corpus proceedings, repeatedly recorded that the local police acted with gross negligence and that due to



lack of coordination between police stations, the petitioner's son's death could not be timely communicated or properly investigated. In such a scenario, no confidence can be placed in the respondent police authorities. When the local police failed to conduct an impartial investigation, the matter must be entrusted to the CBI. This approach has been followed by the Hon'ble Supreme Court and this Court in W.P. No. 7665/2013 (Gaurakh Pandey v. Union of India), M.Cr.C. No. 50910/2022 (Ramnivas Singh v. State of M.P.), and W.P. No. 4651/2014 (Ramsharan Baghel v. State of M.P.), where investigations were transferred to the CBI in view of similar lapses.

It is further submitted that the petitioner's son's dead body was recovered from the railway track under the jurisdiction of Police Station Purani Chhawani, District Gwalior, registered as Merg No. 19/2024.

In view of the foregoing, it is prayed that the investigation relating to Missing Person Registration No. 36/2024 and Merg No. 19/2024 be transferred to the Central Bureau of Investigation which in turn be directed to complete the investigation in a time-bound manner.

Per contra, learned counsel for the State as well as the counsel for the respondent No.2 had submit that the local police have conducted the investigation into the disappearance and subsequent death of Rajneesh Sakhwar diligently, in accordance with the law, and with all procedural and statutory requirements fully complied with. Upon receiving the missing person report lodged by the petitioner at Police Station Murar,



District Gwalior, on 17.04.2024, the police promptly initiated inquiries, recorded statements of the petitioner, his family members, and other relevant witnesses, and conducted searches in the areas where the deceased was last seen.

In relation to Merg No. 19/2024 registered at Police Station Purani Chhawani, District Gwalior, it is submitted that on 16.04.2024, the informant Satish Singh reported that on the previous night, 15.04.2024, at around 9:40 p.m., the train driver had informed that the dead body of an unidentified male was lying on the railway track between Pole No.1232/17-15. On reaching the spot, the police observed that the body of an unidentified male, approximately 30 years old, had his head partially severed, injuries on both hands and legs, wearing blue jeans and a military-colored T-shirt, barefoot, with light facial hair, and wearing a black thread with a locket. The RPF police and personnel from Police Station Purani Chhawani secured the body and sent it to J.A.H. for post-mortem. The case was registered as Merg No. 19/2024 and taken up for formal investigation. During the investigation, the police made systematic efforts to identify the deceased and on 12.12.2024, the unidentified person was formally identified as Rajneesh alias Rajneesh Sakhwar, aged 23 years, son of Ramgopal Sakhwar, resident near Bijli Ghar, Gram Khurai Bari Gaon, Police Station Murar, District Gwalior. Identification was conducted in the presence of the father, and a formal identification report was prepared. Items related to the deceased,



including the tibia bone, vertebra, and clothing, were seized. For technical verification, a DNA sample was obtained from the mother, Babita, and sent to the Forensic Science Laboratory. The DNA report confirmed a positive biological match with the parents. Subsequently, the body of Rajneesh Sakhwar was exhumed from Sindhiyanagar Cremation Ground, Chandrawadni Naka, in the presence of his parents and the Executive Magistrate, and handed over to the family.

It is further submitted that statements were recorded from the deceased's parents, witness Sadhana Jadoun, accused Poonam Arolia, Anjali Arolia, Saurabh Arolia, Ashish Jarseniya, and Saurabh Kushwah and mobile call records of the accused were also obtained. Investigation established that the deceased had a long-standing relationship with Poonam Arolia since 2017-2018 and both intended to marry, but family opposition prevented it. In the year 2020, the deceased took Poonam to Ujjain without the consent of her family, after which her family filed a report at Police Station Kampu. Subsequently, Poonam was married to Ashish Arolia in the year 2022, after which the deceased resumed telephonic contact with her. It was further revealed that the deceased expressed distress over his inability to marry Poonam and, at times, threatened suicide due to pressure from his family to accept another marriage. Detailed statements confirming these facts were recorded during the investigation. Based on all evidence, including witness statements, post-mortem and forensic reports, and analysis of call detail



records, the police concluded that the deceased committed suicide by jumping in front of a train under emotional stress caused by his relationship. The investigation did not reveal any cognizable offence by any third party. The final closure report, after obtaining permission from the competent authority, was submitted to the Sub-Divisional Magistrate on 12.08.2025. The investigating officer and personnel were punished for negligence in the conduct of their duties by the Superintendent of Police, Gwalior.

It is further submitted that the local police conducted all procedures meticulously, including securing the scene, recording statements of all material witnesses, collecting and analyzing physical and electronic evidence, and verifying the identity of the deceased through DNA and post-mortem procedures. The conclusion of suicide is based on scientific and circumstantial evidence, and there is no *prima facie* indication of foul play, criminal negligence, or malfeasance on the part of the police.

It is further submitted that the transfer of investigation to the Central Bureau of Investigation is an extraordinary remedy and should only be exercised in exceptional circumstances, where the local police are incapable or unwilling to conduct a fair and impartial investigation. In the present case, the local police have conducted the investigation diligently and within their jurisdiction, and the petitioner's dissatisfaction with the pace of inquiry does not amount to a failure



warranting CBI intervention. The investigation remains ongoing, and the authorities are competent to conclude it effectively.

It is thus submitted that the writ petition may be dismissed to the extent it seeks transfer of investigation to the CBI, and this Court may permit the local police to continue and complete the investigation expeditiously while monitoring compliance with its directions, without interfering with the jurisdiction and functioning of the State police.

From a cumulative consideration of the pleadings, the material placed on record, the submissions advanced by learned counsel for the parties, and the legal position governing the exercise of jurisdiction under Article 226 of the Constitution of India, this Court is of the considered view that no case is made out for transfer of investigation to the Central Bureau of Investigation, as it is not in dispute that serious lapses and lack of coordination were noticed at the initial stage of the investigation, particularly with regard to failure to correlate the missing person report with the recovery of an unidentified dead body from another police station jurisdiction. Those lapses have already been judicially noticed, deprecated, and remedial directions were issued by this Court in the earlier *habeas corpus* proceedings. The record further reflects that departmental action has since been initiated and concluded against the erring police officials. The said aspect, therefore, cannot be reagitated to seek a fresh investigation by a different agency unless it is demonstrated that the subsequent investigation is vitiated by *mala fides*,



bias, or deliberate suppression of material evidence.

The material on record indicates that after identification of the deceased through DNA profiling, the investigating agency undertook a detailed investigation by recording statements of all material witnesses, examining call detail records, considering medical and forensic evidence, and analyzing the surrounding circumstances. The conclusion arrived at by the investigating agency that the deceased committed suicide due to emotional distress arising from personal and relational issues is based on evidence collected during investigation. Mere suspicion, however grave, or a subjective belief of the petitioner that a homicidal angle exists, cannot substitute legally admissible material warranting transfer of investigation.

This Court also finds that the post-mortem report, when read in its entirety, does not by itself justify interference with the investigation or warrant transfer of the case to another agency, as though the medical opinion records that the nature of death could not be ascertained and notes injuries caused by a hard and blunt object, such an opinion, by itself, cannot be construed as evidence of homicidal death. The absence of a categorical opinion regarding suicide, accident, or homicide does not automatically render the investigation illegal or unfair, particularly when the investigating agency has examined the surrounding circumstances, collected corroborative material, and arrived at a conclusion based on cumulative evidence. Medical opinion is only one



component of the investigative process and must be appreciated in conjunction with circumstantial, forensic, and documentary evidence. Furthermore, an inconclusive post-mortem report does not mandate reinvestigation or transfer of investigation unless it is demonstrated that relevant material was deliberately ignored or that the investigation was conducted with mala fide intent. In the present case, no such material has been brought on record to show that the investigating agency suppressed or misinterpreted the medical opinion. The mere possibility of an alternative hypothesis, unsupported by cogent evidence, cannot form the basis for exercising extraordinary jurisdiction under Article 226 of the Constitution. Accordingly, the post-mortem report, far from undermining the investigation, does not furnish sufficient ground to disbelieve the conclusions drawn by the investigating agency.

It is well settled that a direction for CBI investigation is not to be issued as a matter of routine or merely because the petitioner has lost faith in the local police. The extraordinary power under Article 226 must be exercised sparingly and only in cases where the Court is satisfied that the investigation is demonstrably unfair, tainted, or intended to shield the real culprits. The present case does not meet that threshold.

The reliance placed by learned counsel for the petitioner on *Azija Begum v. State of Maharashtra* (supra) is misplaced, as the said judgment reiterates the right of a citizen to a proper investigation. In the present case, investigation has been conducted, evidence has been



collected, and a final report has been submitted. The grievance of the petitioner pertains not to absence of investigation but to disagreement with the conclusion thereof. Hence, the ratio of the said judgment does not advance the petitioner's case.

Similarly, the judgment in *Shakila Abdul Ghaffar Khan v. Vasant Raghunath Dhoble (supra)* was rendered in a factual context where the investigation and prosecution were found to be deliberately deficient so as to protect the accused. No such element of deliberate shielding or institutional bias is borne out from the record of the present case. On the contrary, the initiation of disciplinary proceedings against erring officials reflects corrective action rather than complicity.

The Constitution Bench judgment in *State of West Bengal v. Committee for Protection of Democratic Rights (supra)* undoubtedly recognizes the power of constitutional courts to direct investigation by the CBI. However, the same judgment also emphatically cautions that such power must be exercised only in exceptional circumstances and not in a routine or mechanical manner. The present case, though unfortunate and tragic, does not disclose circumstances of such exceptional nature as to justify displacement of the State's investigative machinery.

The other decisions relied upon by the petitioner are fact-specific and were rendered in circumstances where the investigation was found to be wholly lacking in credibility or public confidence. Those decisions cannot be applied mechanically to the present case, where investigation



has progressed to its logical conclusion and statutory remedies remain available to the petitioner under the Code of Criminal Procedure.

This Court is not unmindful of the grief and hardship faced by the petitioner due to the untimely demise of his son. However, constitutional adjudication must be guided by settled legal principles and not by emotional considerations. The writ jurisdiction cannot be invoked to reopen or re-investigate matters merely because an alternative inference is possible or because the complainant is dissatisfied with the outcome.

In view of the aforesaid discussion, this Court finds no justification to direct transfer of investigation to the Central Bureau of Investigation or to grant any of the reliefs prayed for.

Accordingly, the writ petition is **dismissed**. No order as to costs.

(MILIND RAMESH PHADKE)
JUDGE

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