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W.P. No.48444/2025

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No.48444 of 2025

DEEPAK MANULAL GARG

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Amit Agrawal – Senior Advocate with Shri Arjun Agrawal – Advocate for the petitioner.

Shri Gaurav Rawat – Government Advocate for the respondents.

Reserved on : 09/07/2026

Post on : 14/07/2026

ORDER

1. By way of this writ petition filed under Article 226 of the Constitution of India, the petitioner has approached this Court challenging the legality, validity, and jurisdictional propriety of the order/memo dated 08/09/2025 (Annexure P/19), as well as



subsequent memos (Annexure P/20 and P/21) issued by the respondent No.2 / Collector. By the impugned communications, a direction has been issued to reopen the investigation and "recall" the Closure Report previously forwarded by the Station House Officer (SHO), Police Station Kotwali, in Crime No.96/2020.

2. The factual matrix of the case reveals that an FIR bearing Crime No.96/2020 was registered at Police Station Kotwali for offences punishable under Sections 420, 467, 468, and 471 of the Indian Penal Code (IPC). Upon completion of the investigation, the Investigating Officer did not find sufficient material against the accused. Consequently, Closure Reports were forwarded by the SHO on 07/05/2024 and 21/05/2024, which have been placed on record as Annexures P/17 and P/18.

3. Subsequently, the respondent No.2 / Collector issued the impugned order (Annexure P/19), directing the police authorities to recall the aforementioned Closure Report and reopen the investigation into the crime.

4. Learned counsel for the petitioner vehemently argued that the impugned order (Annexure P/19) and the subsequent memos are wholly without jurisdiction. It is submitted that the statutory scheme of the Code of Criminal Procedure, 1973 (Cr.P.C.) does not vest any power in the District Collector to interfere with an investigation, to



direct its reopening, or to order the "recall" of a Closure Report once it has been forwarded by the investigating agency to the competent Court. The executive interference in the domain of criminal investigation is ultra vires, arbitrary, and liable to be quashed.

5. *Per contra*, learned Government Advocate appearing for the respondent/State supported the impugned orders, submitting that the intent behind the Collector's directive was to ensure a fair and complete probe. It is contended that under Section 173(8) of the Cr.P.C., there is an express provision for "further investigation," and the impugned communications should be viewed in that light.

6. Heard learned counsel for the parties and perused the record.

7. The core issue which requires adjudication is whether the District Collector possesses the statutory jurisdiction under the Cr.P.C. to direct the investigating agency to "recall" a Closure Report and "reopen" an investigation.

8. The scheme of the Cr.P.C. clearly demarcates the powers of the investigating agency and the judiciary. Once an FIR is registered, it is the statutory prerogative of the police to investigate the matter. Upon conclusion of the investigation, if the police find no case is made out, a final report (Closure Report) is forwarded under Section



173(2) of the Cr.P.C. to the Magistrate empowered to take cognizance.

9. Upon the submission of such a report, the jurisdiction strictly lies with the concerned Judicial Magistrate. The Magistrate is not bound by the conclusion drawn by the Police and has the judicial discretion to either:

(a) Accept the report and drop the proceedings;

(b) Reject the report and take cognizance under Section 190(1)(b) of the Cr.P.C.; or

(c) Direct further investigation under Section 156(3) of the Cr.P.C.

10. While it is true that the Police retain an independent power to conduct further investigation under Section 173(8) of the Cr.P.C., this power cannot be invoked at the behest of an executive mandate from the District Collector. The Collector does not exercise any supervisory, appellate, or judicial authority over the statutory investigative process under the Cr.P.C. to compel the SHO to "recall" a report that has already been forwarded. Permitting such an action would amount to allowing the executive to usurp the judicial function of the Magistrate, which is fundamentally destructive to the rule of law.



11. The impugned directive by the Collector is, therefore, entirely alien to the scheme of the Cr.P.C. An order passed without jurisdiction is a nullity. The Collector has traveled beyond the scope of his statutory authority in directing the reopening of the investigation and the recall of the Closure Report.

12. As a consequence of the aforesaid legal analysis, the impugned order/memo (Annexure P/19), along with the subsequent memos (Annexure P/20 and P/21) regarding the reopening of the investigation in Crime No.96/2020, cannot be sustained in the eyes of law.

13. The Writ Petition is, accordingly, **allowed**. The impugned orders/memos (Annexures P/19, P/20, and P/21) are hereby **quashed**.

14. It is, however, made clear that this order shall not preclude the competent Judicial Magistrate from exercising lawful jurisdiction upon the Closure Report, nor does it bar the investigating agency from exercising its independent statutory powers under Section 173(8) of the Cr.P.C., strictly in accordance with the law, uninfluenced by the quashed executive directives.

15. No order as to costs.

16. Pending interlocutory applications, if any, stand disposed of.

NEUTRAL CITATION NO. 2026:MPHC-IND:18892



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(Jai Kumar Pillai)
Judge

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