



1 NEUTRAL CITATION NO. 2026:MPHC-IND:21865

W.P. NO. 15267/2023

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

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No. 15267 of 2023

RAJA RAM DANGI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ajay Bagadia –Senior Advocate with Shri Gajendra
Singh Chouhan for the petitioner.

Shri Ambuj Patel – GA for the respondent/State.

Shri Akash Rathi with Shri Vivek Yadav – Advocate for the
respondent No.4.

WITH

WRIT PETITION No. 19908 of 2023

DR. KAMLESH KUMAR AHIRWAR AND OTHERS



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Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri LS Chandiramani –Advocate for the petitioners.

Shri Ambuj Patel –GA for the respondent/State.

Shri Akash Rathi with Shri Vivek Yadav- Advocate for the
respondent No.3.

Reserved on : 29.07.2026

Post on : 06.08.2026

ORDER

1. This common order shall govern disposal of Writ Petition No.15267 of 2023 and Writ Petition No. 19908 of 2023, as both the petitions, instituted under the extraordinary writ jurisdiction of Article 226 of the Constitution of India, emanate from an identical factual matrix and assail the same sequence of administrative and judicial actions. The petitioners in both the aforementioned writ petitions have approached this Court seeking a writ, direction, or order in the nature of certiorari for quashing the impugned judicial enquiry report dated 03.04.2023. The said exhaustive enquiry was



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conducted and concluded by the Judicial Magistrate First Class (JMFC), Dhar. The petitioners further assail the legality and validity of all subsequent and consequential actions arising from the said enquiry report, specifically the registration of First Information Report (FIR) No.0336/2023 dated 08.05.2023, registered at Police Station Kotwali, District Dhar, against the present petitioners for various substantive offences under the Indian Penal Code, 1860.

Facts of the Case

2. The brief and undisputed facts leading to the genesis of the present petitions are that a jail inmate, namely Bheru S/o Shri Bagdiram Ji Maru (since deceased), was found guilty and convicted on 26.11.2019 for the commission of offences punishable under Sections 366, 376(2)(n), and 506 of the Indian Penal Code, 1860, read with the provisions of the POCSO Act, in Special Case No. 18/2018. For the purpose of serving his substantive sentence, the deceased was initially lodged at Central Jail, Indore. Subsequently, to undergo a specialized ITI training course as a trained carpenter, the deceased was transferred to the District Jail, Dhar, on 11.02.2022, where he remained lodged until his untimely demise.

3. It is a matter of official record that on 27.02.2023, between 1:45 PM to 2:30 PM, a designated 'search team' was present within

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the jail premises for the purpose of carrying out a routine search of the jail inmates. During this search operation in barrack No. 07 of ward No. 03, a packet of tobacco was recovered from the physical possession of an inmate named Arvind S/o Lakshman by a jail warden named Chetan Parmar. Upon strict and extensive interrogation by the search team, the inmate Arvind revealed that he had obtained the said contraband tobacco from the deceased Bheru. Acting upon this, Bheru was immediately summoned by the search team. Upon his arrival, Bheru was allegedly subjected to a severe and merciless physical beating by the members of the search team in connection with the recovered tobacco.

4. Subsequent to the administration of this brutal physical assault, Bheru was left in his barrack in a highly precarious and deteriorating physical condition. During the later part of the evening, his condition worsened drastically, prompting the jail authorities to shift him to the District Hospital, Dhar, where he was formally declared dead at 8:00 PM on the same day, i.e., 27.02.2023. Following this unnatural custodial death, the Superintendent of Jail, Dhar, formally wrote a letter dated 27.02.2023 to the District and Sessions Judge, Dhar, requesting the initiation of an inquest, the preparation of a panchnama, and the



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appointment of a Magistrate to conduct a judicial enquiry into the unnatural death.

5. In pursuance of this official intimation, the Principal District and Sessions Judge, Dhar, vide letter dated 28.02.2023, immediately directed the JMFC, Dhar, to initiate a comprehensive enquiry under the provisions of Section 176(1-A) of the Code of Criminal Procedure, 1973 (Cr.P.C.) and to submit a conclusive report. Simultaneously, vide letter dated 28.02.2023, the Civil Surgeon-cum-Chief Superintendent of District Hospital, Dhar, constituted a medical board comprising the empanelled doctors (the present petitioners in WP/19908/2023) to conduct a meticulous autopsy on the body of the deceased. The autopsy report, tendered on 28.02.2023, documented as many as eight ante-mortem injuries all being contusions except one abrasion wound caused by a hard and blunt object or surface impact within 24 to 72 hours prior to the autopsy. However, the medical board left the ultimate cause and manner of death "open" and "unknown," stating that a final opinion could only be given after the receipt and examination of the viscera report.

6. During the course of the judicial enquiry, the JMFC visited the jail premises, recorded statements of the convicts and under-trial

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prisoners, and prepared a Naksha Mauka Panchayatnama. The inmates collectively testified that the Jailor, Santri, and other jail staff had assaulted the deceased Bheru and the injured Arvind with sticks and belts. The learned JMFC concluded the judicial enquiry on 03.04.2023, rendering a detailed report directly implicating the Jail Superintendent (petitioner in WP/15267/2023), subordinate jail staff, and the empanelled doctors for their respective roles in the custodial death, deliberate negligence, and the subsequent destruction of vital evidence. Based on the findings of this judicial enquiry report, coupled with communications from the Director General (Jail), Superintendent of Police (Dhar), and City Superintendent of Police (Dhar), the impugned FIR was registered, which forms the subject matter of the present challenge.

Contentions of the Petitioner

7. Assailing the impugned enquiry report and the consequent FIR, the learned Senior Counsel for petitioner in WP/15267/2023 vehemently contended that the learned JMFC has grossly exceeded the jurisdiction statutorily conferred upon him under Section 176(1-A) of the Cr.P.C. It was submitted that the legislative mandate of the said provision limits the Magistrate's jurisdiction solely and exclusively to ascertaining the cause of death that is, whether the



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death was natural, homicidal, suicidal, or accidental and it does not authorize the Magistrate to conduct a parallel trial or to implicate specific individuals for substantive offences such as culpable homicide.

8. The learned Senior Counsel further argued that the petitioner possesses an absolutely clean and unblemished official service record spanning over 32 years of selfless service to the State. It was asserted that the petitioner was neither a part of the designated search team nor was he physically present at the spot when the alleged assault was administered to the deceased or to the inmate Arvind. To justify this submission, the learned Senior Counsel drew the attention of this Court to the jail entry and exit registers (Annexure P/7), highlighting that the said registers, which records the movement of personnel into the actual jail premises, do not bear the petitioner's name for the relevant date and time. It was thus contended that the petitioner has been incorrectly and illegally implicated merely on account of holding the official position of Superintendent of District Jail, thereby unlawfully casting a vicarious criminal liability upon him for the independent actions of subordinate staff.

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9. Appearing on behalf of the empanelled doctors (petitioners in WP/19908/2023), learned counsel submitted that the medical professionals discharged their statutory and professional duties in an absolutely fair, transparent, and bona fide manner. It was contended that the doctors accurately documented the physical state of the deceased, specifically recording the presence of eight distinct ante-mortem injuries caused by a hard and blunt object. It was argued that since the precise physiological cause of death could not be scientifically ascertained without chemical analysis, the medical board lawfully and correctly reserved their final opinion pending the receipt of the viscera report. The counsel vehemently argued that Section 176(1-A) nowhere empowers the Magistrate to direct the implication of the very doctors who are conducting the autopsy. The allegation that the doctors intentionally made vague or misleading entries in the autopsy report to shield the accused jail officials was termed as entirely baseless, unsustainable, and devoid of any logical nexus, as the doctors bear no connection whatsoever with the jail administration. Accordingly, implicating the medical officers under Sections 201 and 218 of the IPC is assailed as a gross abuse of process.

Contentions of the Respondent



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10. *Per contra*, the learned counsel representing the Respondent-State as well as Respondent No. 3 (the father of the deceased) defended the legality of the impugned enquiry report and the subsequent registration of the FIR. It was submitted that the deceased suffered a brutal, merciless, and fatal assault at the hands of the jail personnel within the secure confines of the District Jail, which directly culminated in his tragic custodial death. Rebutting the jurisdictional challenge raised by the petitioners, the respondents asserted that Section 176 of the Cr.P.C. is a comprehensive provision that explicitly empowers the Magistrate to hold an enquiry either instead of, or in addition to, police investigation, and categorically states that the Magistrate shall have all the powers in conducting it which he would have in holding an inquiry into an offence.

11. Addressing the specific role of the Jail Superintendent, the respondents pleaded that petitioner Raja Ram Dangi (W.P.No.15267/2023) was not only physically present at the scene of the crime during the assault but deliberately ignored the agonizing cries of the deceased, who was repeatedly pleading for water and medical assistance. It was submitted that the petitioner voluntarily ignored the poor condition of the deceased and deliberately refused to provide on-spot medical help, thereby

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demonstrating explicit complicity and shared intention. The respondents further contended that after the assault, the jail authorities, acting under the direct supervision and control of the Jail Superintendent, engaged in an active, calculated destruction of evidence. This included cleaning the deceased's vomit, moving the dying inmate from one barrack to another, purposefully storing the body in a cold area (mortuary) so that injury marks might disappear, and intentionally delaying critical medical treatment until 8:00 PM.

12. Regarding the empanelled doctors, the respondents argued that the autopsy report was deliberately prepared in a vague and incomplete manner. It was submitted that the injury marks found on the deceased's body were apparently identical to the injury marks documented on the surviving prisoner Arvind's body, proving the use of the same weapon and manner of beating; yet, the doctors intentionally omitted crucial details to save the culprits. Furthermore, the respondents highlighted a glaring irregularity: despite the physical presence of an official photographer during the autopsy, the videography CD submitted to the Court was extremely and inexplicably blurred, resulting in the destruction of visual evidence. This blurred CD was deliberately prepared to provide undue legal benefits to the offending jail officials. The respondents concluded by stating that the FIR is merely the initial stage of fact-



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finding, the matter has already been handed over to the C.I.D. for an impartial investigation, and there is prima facie ample and sufficient evidence against all petitioners, rendering the present writ petitions liable to be dismissed at the threshold.

Analysis and Conclusion

13. Heard the rival contentions advanced by the learned counsel for the respective parties at length and carefully perused the voluminous record, the impugned enquiry report, and the statutory provisions.

14. The primary and core question for adjudication by this Court is the precise scope of power vested in a Magistrate under Section 176 of the Cr.P.C., and whether the JMFC, Dhar, has exceeded this statutory jurisdiction while conducting the enquiry and rendering definitive findings recommending the prosecution of the present petitioners.

15. To appropriately evaluate and resolve this legal issue, it is imperative to reproduce the relevant extract of Section 176 of the Cr.P.C., which reads as under:

“176. Inquiry by Magistrate into cause of death.—

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(1) when the case is of the nature referred to in clause (i) or clause (ii) of sub-section (3) of section 174], the nearest Magistrate empowered to hold inquests shall, and in any other case mentioned in sub-section (1) of section 174, any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police officer; and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence.

(1A) Where,— (a) any person dies or disappears, or (b) rape is alleged to have been committed on any woman,

while such person or woman is in the custody of the police or in any other custody authorised by the Magistrate or the Court, under this Code in addition to the inquiry or investigation held by the police, an inquiry shall be held by the Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within whose local jurisdiction the offence has been committed.

(2) The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any manner hereinafter prescribed according to the circumstances of the case.

(3) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

(4) Where an inquiry is to be held under this section, the Magistrate shall, wherever practicable, inform the relatives of the deceased whose names and addresses are known, and shall allow them to remain present at the inquiry.

(5) The Judicial Magistrate or the Metropolitan Magistrate or Executive Magistrate or police officer holding an inquiry or investigation, as the case may be, under sub-section (1A) shall, within twenty-four hours of the death of a person, forward the

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body with a view to its being examined to the nearest Civil Surgeon or other qualified medical person appointed in this behalf by the State Government, unless it is not possible to do so for reasons to be recorded in writing.

Explanation.—In this section, the expression “relative” means parents, children, brothers, sisters and spouse.”

16. In the facts and circumstances of the present case, Clause (1A) of Section 176 is squarely and strictly applicable, as it is an undisputed fact that the deceased Bheru died while being detained in the authorized custody of the District Jail, Dhar. The legal contours, ambit, and sweep of this specific provision have been conclusively analyzed and settled by a coordinate Bench of this Court (Gwalior Bench) in the case of **Ram Sharan Prajapati vs. The State of Madhya Pradesh WP-8615-2013 passed on 20.08.2018**, wherein it has been unequivocally held as under:

“7.2 A close scrutiny of the terminology used in 176 and 176(1-A) reveals that Sub-Section (1) confers power on Executive Magistrate to conduct inquiry into the cause of death when death occurs in circumstances as contemplated by Sec 174(3) (i) or (ii) Cr.P.C.

7.3 While Sub-section (1-A) of Sec 176 Cr.P.C. confers power for conducting an inquiry into the death or disappearance of any person while being in police custody inter-alia upon Judicial Magistrate.

7.4 The marked difference between Sub-section (1) and Subsection (1-A) of Sec 176 Cr.P.C. is that the expression “inquiry into the cause of death” found in Sub-section (1) is

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conspicuously missing in Sub section (1-A). This clearly reflects the intention of Legislature of conferring wider power of inquiry upon the Judicial Magistrate by not restricting the field of inquiry merely to the “cause of death”, but also two other ancillary aspects.

7.5 In view of the aforesaid marked difference, the Judicial Magistrate while conducting an inquiry u/S 176(1-A) can submit a report not only disclosing the cause of death, but also naming the persons who according to the Judicial Magistrate may be responsible for custodial death.”

17. In light of the statutory scheme and the afore-quoted precedent, this Court firmly holds that the power exercisable by a Magistrate under Section 176(1-A) of the Cr.P.C. is not strictly confined merely to ascertaining the physiological or medical cause of death. The legislative mandate allows the Magistrate to conduct a comprehensive and holistic enquiry. The Magistrate is fully empowered to examine the complete sequence of events, document the specific circumstances under which the custodial incident took place, and explicitly name the accused persons whose actions or omissions culminated in the fatality. Therefore, the petitioners' contention that the Magistrate exceeded his jurisdiction by naming the perpetrators and detailing the circumstances is legally unsustainable.

18. Applying this binding and established legal precedent to the present controversy, the primary contention of the petitioners that

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the JMFC exceeded his jurisdiction by identifying the perpetrators and directing the registration of crimes falls flat and is wholly misconceived. The statute, read with judicial pronouncements, grants ample authority to the Judicial Magistrate to name the persons responsible for a custodial death.

19. A careful perusal of the impugned enquiry report demonstrates that the learned JMFC rigorously, objectively, and meticulously analyzed the ocular and documentary evidence before arriving at his conclusions. In paragraph 41 of the report, the Magistrate firmly established that the deceased was in the custody of the District Jail, and his unnatural death was the direct result of serious injuries, stress, and shock caused by physical torture. The Magistrate correctly applied the principles of Section 106 of the Evidence Act, noting that the burden lay entirely on the jail administration to explain the injuries, and specifically named Jail Prahari Onkar Chauhan, Jailer Shyam Verma, Jail Prahari Abdul Razzaq Khan, and Jail Prahari Mukesh Solanki as the individuals who severely caused beating to the deceased.

20. Crucially, in paragraph 42, the Magistrate recorded the eyewitness testimony of prisoner Nitin. The witness explicitly detailed the severe beating and categorically confirmed the physical

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presence of the Jail Superintendent, Shri Dangi (petitioner in W.P.No.15267/2023), at the scene of the crime. The testimony reveals that during the brutal assault, Shri Dangi arrived, questioned the severity of the beating, witnessed Mukesh Solanki beating the deceased with a stick, and yet, completely abandoned the bleeding and pleading inmate, failing to provide any medical rescue.

21. Evaluating the entire conduct and dereliction of duty, the JMFC correctly noted in paragraph 43 that Shri Dangi's failure to provide immediate medical care to the injured prisoner demonstrated gross insensitivity and cruelty. The Magistrate rightly observed that as the supreme in-charge, the administrative system failed under his supervision. The subsequent, orchestrated acts of cleaning the vomit, removing blankets, and deliberately shifting the dying inmate from barrack to barrack were logically categorized by the Magistrate as deliberate destruction of evidence under the direct aegis of the Jail Superintendent. Therefore, the direction in paragraph 46 to register an FIR under Section 304 of the IPC against Shri Dangi is founded on cogent preliminary material.

22. Similarly, concerning the empanelled doctors, the Magistrate in paragraph 44 critically noted that inconsistent, incomplete, and deliberately vague entries were made in the autopsy report to shield

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the accused jail officials. This malicious intent was further corroborated in paragraph 47, where the Magistrate recorded a deeply disturbing procedural lapse: despite an official photographer being summoned by the inquest officer to document the autopsy, an utterly and deliberately blurred videography CD captured through a mobile phone by a constable was submitted to the Court. This was a calculated move to suppress the visual evidence of the custodial torture, thereby attracting the ingredients of Sections 201 and 218 of the IPC against the medical professionals who were complicit in this cover-up.

23. It is also pertinent to note that the Judicial Magistrate remained entirely cognizant of his jurisdictional limits. While directing the registration of the FIR, the Magistrate explicitly noted in the report that regarding the initiation of administrative or departmental misconduct proceedings against the doctors, he did not possess the mandate to file a direct complaint. He correctly deferred that specific administrative decision to the Principal District and Sessions Judge, acting as the Special Judge of the District Human Rights Court.

24. Thus, on a bare perusal of the record and applying the principles of law, especially the expansive mandate of Section



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176(1A) of the Cr.P.C., this Court finds that the enquiry report dated 03.04.2023 does not suffer from any legal infirmity, jurisdictional error, or perversity. The JMFC acted well within the statutorily vested powers. The subsequent FIRs represent a lawful continuation of the criminal justice process based on serious prima facie findings of custodial violence and evidence tampering, and such investigative processes cannot be frustrated at the threshold in a writ jurisdiction.

25. In view of the detailed analysis, elaborate reasoning, and conclusions drawn hereinabove, both the writ petitions, being entirely devoid of any substance and merit, are **dismissed.**

26. The impugned judicial enquiry report dated 03.04.2023 and the consequential registration of FIR No. 0336/2023 dated 08.05.2023 are hereby upheld. The investigating agency shall proceed with the investigation impartially, expeditiously, and strictly in accordance with the law, uninfluenced by any observations made in this order, which are confined solely to the disposal of these writ petitions.

Let a copy of this order be placed in the record of connected writ petition.



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No order as to costs.

(Jai Kumar Pillai)
Judge

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