



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 22<sup>nd</sup> OF APRIL, 2026

MISC. CRIMINAL CASE No. 14418 of 2026

*ARPIT CHOUREY*

*Versus*

*THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Sanjay Sharma, Advocate for applicant.

Smt.Swati George, Public Prosecutor for respondent/State.

.....  
ORDER

This is first application under section 483 of BNSS, 2023.

2. Applicant has been arrested in connection with Crime No.40/2026 registered at Police Station Pathrota, District Narmadapuram (MP) for offences under sections 64(1), 331(4), 332(B), 127(2), 75(1)(i), 351(3) and 331(2) of BNS, 2023.

3. It is submitted by counsel for applicant that father of applicant had given an application before Superintendent of Police, Narmadapuram who got a parallel enquiry done by SDO(P), Itarsi and on 3/3/2026, SDO(P), Itarsi had submitted a report that allegations of prosecutrix do not appear to be correct and, therefore it is submitted that applicant has been falsely implicated.

4. Accordingly, counsel for applicant was directed to address this Court as to whether parallel enquiry during investigation is admissible or not ?

5. This Court in the case of **Preetam Verma and Anr. Vs. State of MP & Anr.**, by order dated 11.09.2018 passed in MCRC No. 12592 of 2018, has held that parallel enquiry under Section 36 of CrPC during pendency of investigation is



not maintainable. The aforesaid order was affirmed by the Supreme Court by order dated 18.01.2022 passed in the case of **Surendra Singh Gaur Vs. State of M.P.** (SLP (Cri) No. 1345/2019), and the Supreme Court has held as under:

“Both the petitions have been preferred by the senior police officers of the State of Madhya Pradesh assailing the observations which has been made by the High Court under the impugned judgment dated 11th September, 2018 while exercising its jurisdiction under Section 482 of the Code of Criminal Procedure, when the accused persons approached the High Court for quashing of the proceedings initiated against them in reference to the FIR in Crime No. 75/2017, registered at Police Station Godan, District Datia, for the offences punishable under Sections 307, 294 and 34 of the Indian Penal Code.

At the outset it may be noticed that the State of Madhya Pradesh also approached this Court by filing Special Leave Petition (Criminal) No. 10015 of 2018 and that came to be dismissed by an order dated 30th November, 2018.

The present petitioners have approached in their own rights to question the observations/remarks which have been recorded by the learned Judge in the order impugned in reference to the manner in which an inquiry was conducted parallel to the investigation which was undertaken by the Investigating Officer in reference to FIR in Crime No. 75/2017.

We have heard the learned Counsel for the parties at length and we are of the view that neither Section 36 of the Code nor the circulars of which a reference has been made during the course of arguments in any way provides for holding an independent and parallel inquiry along with the investigation going ahead in reference to the FIR in Crime No. 75/2017.

In the instant case, a complaint was made for holding fair investigation in reference to the FIR in Crime No. 75/2017, we find no reason the officers under whose instructions an independent inquiry was initiated apart from the investigation which was going ahead in reference to the crime, in contravention of the procedure prescribed by law.

After the matter is examined at length by the High Court under the impugned judgment(s) for which reference has been made that an independent inquiry which was conducted in reference to the FIR in Crime No. 75/2017 was in no manner contemplated by law and in this reference observations have been made in regard to the conduct of the officers in holding an inquiry in reference to the FIR in Crime No. 75/2017.

The learned Counsel appearing on behalf of the State filed their counter affidavit and has placed on record a circular dated 26th June, 2010 under the instructions of the Inspector General of Police, Madhya Pradesh. We find that the circular of the State Government is in conformity with Section 36 of the Code, but the procedure which was followed by the officers in holding inquiry was not in consonance with the circular of which a reference has been made by the High Court under



the impugned judgment.

After hearing the learned Counsel for the parties and taking note of the material on record, we find no error being committed by the High Court in the judgment impugned, which may call for our interference under Article 136 of the Constitution.

Consequently, both the petitions fail and are dismissed.

Pending application(s), if any, shall stand disposed of. “

6. This Court in the case of **Mahendra Kumar Vaidya vs. State of MP and Others**, decided on 3.11.2022 in WP No. 23876 of 2022, has held that parallel enquiry during pendency of investigation is not maintainable under Section 36 of Cr.P.C.

7. Thus, it is clear that parallel enquiry during pendency of investigation is not maintainable, but still Superintendent of Police, Narmadapuram in complete ignorance of law directed for parallel enquiry. Furthermore, SDO(P) Itarsi, District Narmadapuram gave his report without recording statement of prosecutrix. How SDO(P) can criticize a person behind her back and he did not even care to record her statement before coming to conclusion that allegations made by prosecutrix are false.

8. Thus, it is clear that SDO(P) Itarsi, District Narmadapuram is not aware of the basic law that not only parallel enquiry is not maintainable but even before criticizing a person, he should be given an opportunity.

9. It is really shocking that the post of SDO(P) Itarsi, District Narmadapuram was used for giving a frivolous report in favour of applicant and that too when such a procedure is not acceptable under law.

10. **Accordingly it is directed that the report of parallel enquiry shall never be taken into consideration by the Trial Court for any purposes.**

11. At this stage, counsel for applicant seeks permission of this Court to withdraw this application.



12. The application is, accordingly, dismissed as withdrawn.

13. A copy of this order be sent to Director General of Police to apprise him about the working of Police in District Narmadapuram and the manner in which serious offences like rape are being dealt with by the Police.

**(G. S. AHLUWALIA)**  
**JUDGE**

C/(and)