

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

MCRC No. 23019 of 2026

(RAJESH SINGH CHANDEL Vs MR ANOOP RANA AND OTHERS)

Dated : 20-05-2026

Mr. M.P.S. Raghuvanshi - Senior Advocate with Mohammad Amir Khan - Advocate for the applicant.

Issue notice to the respondents.

Mr. Prakhar Dengula, Advocate, and Mr. Vivek Khedkar, Senior Advocate, along with Mr. Himanshu Pathak, Advocate, accept notice on behalf of respondent no.1 & 2, respectively.

Heard on the question of interim relief.

Learned Senior Counsel for the applicant submits that, at the relevant time, the applicant was posted as Superintendent of Police at Gwalior. The complaint was made by respondent no.1, namely- Anoop Singh Rana, against the present applicant and three other accused persons. As per the complaint, the only allegation made against the present applicant is that he did not take any action on the complaint made by respondent no.1 against respondent no.3. The learned Trial Court, by the impugned order, has taken cognizance against all the persons arrayed as accused in the complaint, including the present applicant.

As per the submission of learned Senior Counsel, even if the allegations made against the present applicant are taken to be true, no offence, as alleged, is made out against him. He further submits that the learned Trial Court erred in applying the provisions of the Cr.P.C. instead of

the provisions of the BNSS, inasmuch as the date of taking cognizance is material for deciding the applicability of the aforesaid statute. In support of his submissions, he has relied upon the judgment passed by the Punjab & Haryana High Court in the case of *Sikander Singh vs. Directorate of Enforcement, Gurugram* in CRM-M-29954 of 2024. He submits that the impugned order is liable to be set aside.

Mr. Dengula, learned counsel appearing for the complainant, raised an objection regarding the maintainability of the present petition under Section 528 of the BNSS, 2023, on the ground that the impugned order being a final order, a criminal revision ought to have been filed. He placed reliance upon the judgment of the Apex Court in *Girish Kumar Suneja vs. CBI*, Criminal Appeal No.1137 of 2017, and referred to paragraph 21 thereof.

In response, Mr. Raghuvanshi, Senior counsel for applicant submitted that availability of remedy of filing revision is not a bar for exercise of powers under Section 528 of BNSS. In support of his submission, he relied upon *Prabhu Chawla Vs. State of Rajasthan*, reported in (2016)16 SCC 30.

Considered the arguments advanced by learned counsel for the parties.

From the records, it appears that the only allegation made against the present applicant is that he did not take any action on the complaint made by respondent no.1 against one Mr. Ajay Singh Sikarwar, who was working as Assistant Sub-Inspector posted at Police Station Thatipur and was Investigating Officer of the case of complainant. In the entire order passed by learned Trial Court, there is no other observation/finding against the present applicant except that he did not take any action on complainant's

complaint. *Prima-facie*, even if these allegations are accepted to be true, offences under Sections 392, 201 & 120-B of the I.P.C. are not made out against the present applicant.

Considering the aforesaid, the order dated 11.05.2026 passed by the Special Judge, MPDVPK Act, Gwalior, in UNCR No.1688 of 2024, shall remain stayed till the next date of hearing only in relation to the present applicant.

Since, all the parties have entered appearance in the case, list this matter on 01.07.2026. All issues, including the issue of maintainability, shall be considered on the said date.

Counsel for the applicant is directed to supply a copy of the petition along with all documents and the I.A. filed today, together with annexures, to the counsel for respondent no.1 within two working days.

(ASHISH SHROTI)
V. JUDGE

bj/-