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2026:CGHC:30166-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 370 of 2026**

Ajay Agrawal S/o Late Tikaram Agrawal Aged About 56 Years R/o Ward No. 09, Premnagar, Rajgamar Korba, Tahsil And District- Korba (Chhattisgarh)

... Petitioner**versus**

1 - State of Chhattisgarh Through The Secretary, Home Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur (Chhattisgarh)

2 - The Director General of Police, Police Headquarters, Naya Raipur, Atal Nagar, District- Raipur (Chhattisgarh)

3 - The Superintendent of Police, District- Korba (Chhattisgarh)

4 - The Station House Officer Police Station Balco, District- Korba (Chhattisgarh)

5 - The Station House Officer, Police Station Balco Nagar, District- Korba (Chhattisgarh)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	: Mr. Hari Agrawal, Advocate
For Respondents1/State	: Mr. Priyank Rathi, Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****16.07.2026**

1. Heard Mr. Hari Agrawal, learned counsel for the petitioner as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.



2. By filing the present writ petition, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking issuance of an appropriate writ directing the respondent authorities to take departmental action against the concerned police officials in terms of the directions contained in the order dated 29.03.2026 passed by the learned Judicial Magistrate First Class, Korba, and further to decide the petitioner's representation dated 14.04.2026 within a time-bound period in accordance with law. The petitioner has prayed for following relief(s):-

“a. Issue a writ and/or an order in the nature of appropriate writ directing the Respondent authorities more particularly Respondent No. 2 & 3 to act appropriately and to take appropriate departmental action against the erring police officials in light of the dictum of the Hon'ble Apex Court in the matter of Arnesh Kumar vs State of Bihar (2014) 8 SCC 273.

b. Issue a writ and/or an order in the nature of appropriate writ directing the Respondent authorities, more particularly Respondent No. 2 & 3, to act appropriately and decide the representation dated 14.04.2026 [Annexure P-4] in accordance with law, within a time bound manner, as directed by this Hon'ble Court.

c. Any other relief which this Hon'ble Court may deem fit in with the facts & circumstances of case.”

3. Learned counsel for the petitioner submits that on 29.03.2026, the police officials of Police Station Balco, without any warrant or lawful authority, forcibly entered the petitioner's grocery shop and adjoining residential premises, conducted an illegal search, assaulted the



petitioner's son and other family members, and even removed the DVR of the CCTV system installed at the residence. It is submitted that despite the petitioner immediately approaching the police authorities with a written complaint, neither an FIR was registered nor were the injured family members provided medical examination. Instead, to shield the erring officials, a counter FIR came to be registered against the petitioner's son and other family members.

4. Learned counsel further submits that while considering the remand proceedings, the learned Judicial Magistrate First Class, Korba, by order dated 29.03.2026, found the conduct of the concerned police personnel to be prima facie illegal, suspicious and contrary to the law laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273***, declined the prayer for police remand, released the petitioner's son on bail and directed the Superintendent of Police, Korba and the Director General of Police, Chhattisgarh to take appropriate action against the concerned officials. It is contended that notwithstanding the aforesaid judicial findings and directions, no departmental or other action has been initiated against the delinquent police personnel till date.

5. Learned counsel also submits that the petitioner thereafter submitted a detailed representation dated 14.04.2026 before the Secretary, Home Department, Government of Chhattisgarh, requesting implementation of the directions issued by the learned Magistrate; however, the said representation has remained unattended and



undecided. It is, therefore, argued that the continued inaction of the respondent authorities is arbitrary, unreasonable and contrary to the principles of fairness in administrative action, warranting interference by this Court in exercise of its writ jurisdiction by directing the competent authorities to consider and decide the petitioner's representation and to take appropriate action against the erring officials in accordance with law.

6. It is pertinent to note that when the matter was taken up for consideration on 08.07.2026, this Court, taking note of the allegations made in the writ petition as well as the observations recorded by the learned Judicial Magistrate First Class, Korba in its order dated 29.03.2026, directed the Superintendent of Police, Korba to file a personal affidavit explaining the reasons for non-compliance of the said order, the action, if any, taken against the concerned police personnel, the reasons for the continued inaction despite the petitioner's representation dated 14.04.2026, and to disclose whether responsibility had been fixed upon the officers found responsible for such inaction.

7. In compliance with the order dated 08.07.2026 passed by this Court, the Superintendent of Police, Korba has filed a personal affidavit placing on record the action taken by the respondent authorities pursuant to the directions issued by this Court. The relevant averments made in the said affidavit are reproduced hereunder:-

"2. That, vide order dated 08.07.2026, this Hon'ble Court has directed the concerned Superintendent of Police to file a personal



affidavit explaining the reasons for non-compliance with the order dated 29.03.2026 passed by the learned Judicial Magistrate First Class, Korba, and the action, if any, taken against the concerned police personnel, and the reasons for the continued inaction despite the Petitioner's representation, while also fixing responsibility upon the officers found responsible for such inaction. In compliance with the Hon'ble Court's order, the deponent most humbly and respectfully submits as under.

3. That, at the outset, the deponent herein most respectfully submits that he holds this Hon'ble Court in the highest esteem and respect. The deponent has never sought or intended to, directly or indirectly, commit any act that interferes with the process of administration of justice.

4. That, it is respectfully submitted that upon receipt of the copy of the order dated 29.03.2026 passed by the learned Judicial Magistrate First Class, Korba on 07.04.2026, the deponent immediately took cognizance of the judicial observations and directed the City Superintendent of Police (CSP), Korba to conduct a detailed fact-finding enquiry into the matter in light of the directions passed by the learned JMFC. Copy of the Letter dated 07-04-2026 issued by the Court of JMFC, Korba and the Letter dated 09-04-2026 issued by the deponent to the City Superintendent of Police Korba is annexed here as ANNEXURE-R/1.

5. That, pursuant to the directions, the CSP, Korba conducted a thorough enquiry and submitted a detailed Enquiry Report before the deponent on 05.05.2026. A copy of the Enquiry Report submitted by the CSP, Korba is annexed herewith as ANNEXURE-R/2.

6. That, in this regard, it is respectfully submitted that the petitioner's son, namely Arpit Agrawal, is a habitual offender. On 14.03.2025, he, along



with his associates, allegedly committed the murder of a person near his residence and subsequently attempted to disguise the incident as a road accident. The copy of CCTV footage capturing the said incident is annexed herewith as ANNEXURE-R/3. It is further submitted that FIR No. 202/2025 has been registered at Police Station Balco under Sections 103(1) and 3(5) BNS, and a copy of the said FIR is annexed herewith as ANNEXURE-R/4. It is further submitted that, as on date, a total of six criminal cases have been registered against the accused, Arpit Agrawal, which his criminal and habitual involvement in criminal activities. A copy of the criminal antecedents of Arpit Agrawal is annexed herewith as demonstrates ANNEXURE-R/5.

7. That, the criminal antecedents of the accused, Arpit Agrawal, coupled with the fact that he had allegedly committed the murder of an individual, necessitated the deployment of an adequate police force for the service of notice in Crime No. 174/2026. Accordingly, a police party comprising five (05) police personnel was deputed for the execution of the aforesaid task. It is further most respectfully submitted that on 29.03.2026, a major religious congregation, namely the Katha of BabaBageshwar Dham (Baba Dharendra Krishna Shastri), which was being organized from 28.03.2026 to 01.04.2026, was in progress at Village Dhaphdhap, within the jurisdiction of Police Station BankiMongra, District Korba. In connection with the said event, police personnel from across the district, including those posted at Police Outpost Rajgamar, had been deployed for maintenance of law and order. It is further submitted that Police Outpost Rajgamar functions under the administrative jurisdiction of Police Station Balco. In view of the prevailing circumstances and keeping in mind the criminal background of the accused, police personnel from Police Station Balco were deputed to ensure the safety and security of the police party while serving the aforesaid notice. However,



when the police party reached the spot for service of notice, the accused, Arpit Agrawal, along with his family members, accomplice Sahil Das, and other associates, unlawfully obstructed the police party, assaulted and misbehaved with the police personnel, and interfered with the discharge of their official duties. Consequently, FIR No. 181/2026 under Sections 221, 132, 296, 115(2), 351 (3) and 3(5) BNS was registered in connection with the said incident. A copy of the said FIR is annexed herewith as ANNEXURE-R/6. The inquiry report has not found any dereliction of duty on the part of the police party that had gone to serve the notice on the accused, Arpit Agrawal.

8. That, based on the findings of the Enquiry Report which established procedural negligence on the part of the Investigating Officer, Head Constable Guruwar Singh (Batch No. 174) for not properly filling the arrest checklist under the BNSS and failing to appear during remand proceedings, the deponent has taken swift administrative action. Vide order dated 23.06.2026, a strict warning for future has been issued to Head Constable 174 Guruwar Singh directing him not to repeat such acts in the future. A copy of the order dated 23.06.2026 issued by the deponent is annexed herewith as ANNEXURE-R/7.

9. That, the deponent most humbly submits that the punishment of a 'warning' was awarded considering that this was the first instance of such procedural lapse proved against the said official in the enquiry report. Furthermore, the action is in strict compliance with the Notification No. F 13-3/2008/1-3 dated 12.06.2008 issued by the General Administration Department (GAD), Government of Chhattisgarh. The said circular mandates that employees belonging to the SC, ST, and OBC communities should be given counseling and a warning upon their first mistake to afford them an opportunity to reform before



initiating severe disciplinary proceedings. A copy of the GAD Notification dated 12.06.2008 is annexed herewith as ANNEXURE-R/8. It is further most respectfully submitted that Head Constable No. 174, Guruwar Singh, belongs to the Scheduled Tribe (ST) category. A copy of his service record, evidencing the same, is annexed herewith as ANNEXURE-R/9.

10. That, in light of the above facts and circumstances, the deponent has demonstrated prompt compliance and taken appropriate action against the erring official in accordance with the law and state policies, honoring the observations made by the learned JMFC, Korba and this Hon'ble Court.

11. It is most respectfully submitted that, in due compliance with the order passed by this Hon'ble Court, the Deponent has taken the aforesaid steps. Accordingly, the Deponent has complied with the directions of this Hon'ble Court in their true letter and spirit. The Deponent holds the orders of this Hon'ble Court in the highest esteem and respectfully undertakes to abide by and faithfully comply with any further directions that may be passed by this Hon'ble Court in future as well."

8. A perusal of the personal affidavit filed by the Superintendent of Police, Korba would reveal that immediately upon receipt of the order dated 29.03.2026 passed by the learned Judicial Magistrate First Class, Korba, cognizance of the observations made therein was taken and the City Superintendent of Police, Korba was directed to conduct a detailed fact-finding enquiry into the allegations. It has been averred that, pursuant thereto, the City Superintendent of Police conducted an enquiry and submitted his report on 05.05.2026.



9. It has further been stated in the affidavit that the enquiry disclosed that the petitioner's son, Arpit Agrawal, had criminal antecedents and, considering the nature of the case as well as the prevailing law and order situation in the district, an adequate police force had been deputed only for the purpose of serving notice in connection with Crime No.174/2026. According to him, when the police party reached the petitioner's premises, the police officials were obstructed and assaulted, resulting in registration of Crime No.181/2026. The affidavit further states that the enquiry did not find any misconduct or dereliction of duty on the part of the police personnel who had gone to serve the notice.

10. The affidavit, however, records that procedural lapses were noticed on the part of the Investigating Officer, namely Head Constable Guruwar Singh, inasmuch as he had not properly filled the arrest checklist as required under the Bharatiya Nagarik Suraksha Sanhita and had failed to remain present during the remand proceedings. It is stated that, based upon the findings of the enquiry, the said Head Constable was issued a warning by order dated 23.06.2026, considering it to be his first proven lapse and in accordance with the applicable Government policy.

11. Having bestowed anxious consideration to the rival submissions advanced at the Bar and upon perusal of the material available on record, particularly the personal affidavit filed by the Superintendent of Police, Korba, this Court finds that the directions issued by the learned Judicial Magistrate First Class, Korba vide order dated 29.03.2026 were



taken cognizance of by the Superintendent of Police, Korba. Pursuant thereto, a fact-finding enquiry was conducted through the City Superintendent of Police, Korba and, on the basis of the enquiry report, administrative action has also been taken against the Investigating Officer, namely Head Constable Guruwar Singh, by issuance of a warning for the procedural lapses noticed in the discharge of his duties. Thus, the grievance of the petitioner with regard to complete inaction on the part of the respondent authorities no longer survives for consideration.

12. At the same time, this Court is of the considered opinion that mere issuance of a warning should not be construed as an end of the matter. The object of the observations made by the learned Judicial Magistrate First Class, Korba, while passing the order dated 29.03.2026, was to ensure strict adherence to the statutory safeguards governing arrest and remand proceedings and to secure accountability of police officials in the discharge of their official functions.

13. The requirement of maintaining procedural fairness and compliance with the mandate of law, particularly the principles laid down by the Hon'ble Supreme Court in ***Arnesh Kumar*** (supra), is of paramount importance and cannot be diluted by treating such lapses casually. Every police officer is expected to discharge his statutory obligations with due diligence and in strict conformity with the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the law declared by the Hon'ble Supreme Court.



14. Accordingly, while this Court is not inclined to keep the present writ petition pending any further in view of the action stated to have been taken by the respondent authorities, it is considered appropriate to direct the Superintendent of Police, Korba to keep the service conduct and future performance of Head Constable Guruwar Singh under close watch. In the event any similar lapse, negligence or misconduct is noticed in future, it shall be open to the competent authority to initiate appropriate disciplinary proceedings against him in accordance with law, uninfluenced by the fact that only a warning has been issued on the present occasion. The Superintendent of Police shall also ensure that all police personnel under his administrative control strictly adhere to the statutory safeguards governing arrest, remand and investigation and scrupulously comply with the law laid down by the Hon'ble Supreme Court so that such procedural lapses do not recur.

15. With the aforesaid observations and directions, the writ petition stands **disposed of**.

16. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice