

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY JURISDICTION
SLP (CRIMINAL) NO.14087/2025

ANWAR HUSSAIN

...PETITIONER

versus

STATE OF MADHYA PRADESH AND ORS.

...RESPONDENTS

O R D E R

We have heard learned senior counsel and counsel for the parties. However, arguments remained inconclusive.

DIRECTION(S):

2. From the facts which have come on record and from the submissions canvassed, we are convinced that an interim Order is necessitated against the Respondent No.4, being the Station House Officer of the concerned Police Station.

3. Accordingly, it is directed that the Competent Authority shall post the Respondent No.4 to the Line without assigning any duty of investigating/supervising any investigation/posting in a Police Station till further Order/s of this Court.

4. Further, if any attempt is made by Respondent No.4 as regards interference in any matter/manner in any Police Station whatsoever, Respondent No.5-

Commissioner of Police, Indore, shall be personally responsible and answerable to this Court for the same.

5. Learned counsel for the Respondent No.1-State shall file by way of affidavit the order of the Competent Authority by which the present Order has been complied with. Learned counsel for the Respondent No.1-State shall intimate the present Order, which has been dictated in the presence of all learned counsel, to the concerned authority/ies without waiting for this Order to be formally uploaded. The same be done forthwith.

REASONING:

6. Respondent No.4 has, *prima facie*, resorted to/allowed repeated use of the same witnesses in support of the police versions of alleged crimes i.e. 'stock witnesses', a practice which goes to the very root of fairness and impartiality of investigation and could be termed anathema to a country governed by the rule of law, like ours.

7. Further, judicial notice can be and is taken of the fact that while this Court was examining Respondent No.4's conduct in the present case, another Constitutional Court viz. the High Court of Madhya Pradesh at Indore, in a different matter, being **Writ Petition No.46745/2025 [Akash Tiwari v the State of Madhya Pradesh and Others]**, by way of Order dated 04.12.2025 has observed:

'This is petition in the nature of habeas corpus alleging that the brother-in-law of the petitioner namely Raja Dubey was illegally detained and

handcuffed by the respondent No. 4 without registering any offence on 26.11.2025. A photograph taken from mobile has been filed along with the writ petition which shows the person in red and white colour shirt/jacket, who is undisputedly Raja Dubey.

Considering the aforesaid, this Court on 02.12.2025 directed the personal appearance of the concerned SHO namely Shri Indramani Patel, Station House Officer, Police Station - Chandan Nagar, Indore to remain present before this Court today. Counsel for the State was also directed to keep the CCTV footage of 26.11.2025 and 27.11.2025.

Counsel for the State submitted that the CCTV footage as directed by this Court are available and has been kept in pen drive.

On being asked, Shri Patel, S.H.O. did not dispute the fact that the said person Raja Dubey was detained in the police station and was also handcuffed. He submitted that looking to the seriousness of the alleged offence by the father, the detenue and because the main accused was not being traced away and on the persuasion of the victim family, the person was called in police station and was detained and in order to avoid his fled away from the police station, he was also handcuffed. However, he fairly admitted that no order was obtained from the competent Court of law for handcuff.

Considering the aforesaid, we find that the action of Shri Indramani Patel, Station House Officer, Police Station - Chandan Nagar, Indore is in gross violation of the fundamental right to life of a citizen guaranteed under Article 21 of the Constitution of India and his serious illegal act, as the facts are not disputed in the present case, therefore, the Commissioner of Police, Indore is directed to submit a response that what departmental action and criminal action is proposed against the said officer.

List the matter on 09.12.2025.

xxx'

(sic)
(emphasis supplied)

8. In Order [2025:MPHC-IND:35982] dated 09.12.2025 i.e., the next date, the following was recorded:

'Petitioner has filed I.A.No. 11012/2025 for change of counsel and also filed I.A.No. 11010/2025 for withdrawal of the present Habeas Corpus petition.

It is stated in the petition that corpus has already been released, therefore he is not interested to prosecute the present petition.

On being asked whether he has filed this application under any undue influence or any threat, the petitioner stated that he has filed the aforesaid application without there being any threat or influence by anyone.

The application is supported by affidavit of the petitioner. Considering the same, I.A.No. 11010/2025 is allowed and writ petition is dismissed as withdrawn.'

(sic)

9. As such, we are fortified in our view that immediate directions, as passed hereinabove, were required. Of course, we clarify that the present Order is interim in nature, and our findings, *in praesenti*, are tentative.

10. The affidavit filed by the Commissioner of Police, Indore as also the role and responsibility of the concerned A.D.C.P., shall be considered on the next date.

FURTHER PROCEEDINGS:

11. The matter be listed on 03.02.2026 at 3PM as part-heard.

.....
[AHSANUDDIN AMANULLAH, J.]

.....
[R. MAHADEVAN, J.]

NEW DELHI
13TH JANUARY, 2026

ITEM NO.2

COURT NO.13

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Criminal) No.14087/2025
[Arising out of the Impugned Final Judgment and Order dated 12-03-2025 in MCRC No.11236/2025 passed by the High Court of Madhya Pradesh at Indore]

ANWAR HUSSAIN

Petitioner

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondents

[TO BE TAKEN UP AT THE TOP OF THE BOARD]

[IA No.200858/2025 (EXEMPTION FROM FILING O.T.)]

DATE : 13-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner

Mr. Sarvam Ritam Khare, AOR
Ms. Shweta Chaurasia, Adv.
Mr. Kushagra Sharma, Adv.
Mr. Anuj Agarwal, Adv.
Mr. Akarsh Khare, Adv.

For Respondents

Mr. K.M. Nataraj, A.S.G.
Mr. Pashupathi Nath Razdan, AOR
Mr. Aditya Vaibhav Singh, Adv.
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.

Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Astik Gupta, Adv.
Mr. Karan Dhalla, Adv.
Mr. Sidhant Saraswat, Adv.
Ms. Mugdha, Adv.
Mr. Ashutosh Kumar, AOR

Mr. Siddharth Dave, Sr. Adv.
Ms. Tanisha Kaushal, Adv.
Mr. Awanish Kumar, Adv.
Ms. Garima, Adv.
Mr. Gagan Gupta, Sr. Adv.
Mr. Siddharth Kumar Sharma, Adv.
Mr. Aman Bhadoriya, Adv.
For M/s Dharmaprabhas Law Associates, AOR

Mr. Sanjay Hegde, Sr. Adv.
Ms. Prakriti Rastogi, Adv.
Mr. Gauransh Vyas, Adv.
Mr. Ashish Pandey, AOR
Mr. Akshit Chauhan, Adv.
Mr. Pushkar Dwivedi, Adv.
Mr. Azad Bainsla, Adv.
Mr. Ankit Tiwari, Adv.

O R D E R

A Signed Order has been passed.

2. List on 03.02.2026 as part-heard at 3PM, as directed.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR

[Signed Order is placed on the file.]

Lawchakra.in