



2025:CGHC:49571-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 373 of 2025

1 - Durga Devi Katholiya W/o Late Durgendra Katholiya Aged About 34 Years R/o Village 19-Bhawarmara, Singhola, Tahsil Rajnandgaon, District Rajnandgaon Chhattsgarh

2 - Laxman Sonkar S/o Hiraurem Sonkar Aged About 65 Years R/o Village 19-Bhawarmara, Singhola, Tahsil Rajnandgaon, District - Rajnandgaon Chhattisgarh

3 - Sushila Sonkar W/o Laxman Sonkar Aged About 55 Years R/o Village 19-Bhawarmara, Singhola, Tahsil Rajnandgaon, District - Rajnandgaon Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Home Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh

2 - Director General Of Police, Raipur, District Raipur Chhattisgarh

3 - Inspector General Of Police, Rajnandgaon, District-Rajnandgaon Chhattisgarh

4 - Collector, Dhamtari District- Dhamtari Chhattisgarh

5 - Superintendent Of Police, Dhamtari District-Dhamtari Chhattisgarh

6 - The Station House Officer, Police Station Arjuni, District Dhamtari Chhattisgarh

7 - Sanni Dubey, The Station House Officer, Police Station Arjuni, District - Dhamtari Chhattisgarh

8 - The Then Responsible Staff Of Police Station Arjuni, District-Dhamtari Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. C.R. Sahu and Mr. Vinod Kumar Dewangan, Advocates

For Respondent(s) : Mr. Shashank Thakur, Dy. A.G. and Mr. S.S. Baghel, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

06.10.2025

1. Heard Mr. C.R.Sahu and Mr. Vinod Kumar Dewangan, learned counsel for the petitioners. Also heard Mr. Shashank Thakur, learned Deputy Advocate General along with Mr. S.S. Baghel, learned Deputy Government Advocate appearing for the respondents/State.
2. By way of this writ petition the petitioners have prayed for following reliefs:-

“(i) That, this Hon'ble Court may kindly be pleased to issue a writ of mandamus, order or direction to the respondents police authorities to take appropriate legal action upon complaint of the petitioners and to register

FIR for the commission of offence under section 103, 3 (5) of B.N.S. against the accused/ respondents no. 7 and 8 at the earliest, in the interest of justice.

(ii) That, this Hon'ble Court may kindly be pleased to issue a writ of mandamus, order or direction to the CBI to investigate the matter on complaint of the petitioners and to register FIR for the commission of offence under section 103, 3 (5) of B.N.S. against the culprit responsible persons at the earliest, in the interest of justice.

(iii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to facility and provide the government job to one family members of the deceased within stipulated time, in the interest of justice.

(iv) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to make compensation on account of death of the deceased at the earliest, in the interest of justice.

(v) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to provide information documents as sought by the petitioners under RTI at the earliest, in the interest of justice.

(vi) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ by directing the respondent no. 1 to 3 to take necessary steps upon complaint of the petitioners according to the law laid down by Hon'ble Court in the case of Lalita Kumar Vs. State of U.P., in the interest of justice.

(vii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to pay compensation on account of mentally harassment and deprived the petitioners and lose of the deceased's family members, in the interest of justice.

(viii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

3. The grievance of the petitioners, in brief, is that petitioner No. 1 is the wife, and petitioners No. 2 and 3 are the family members of the deceased Durgendra Katholiya. The police of Police Station Arjuni registered FIR No. 47/2025 against the said Durgendra Katholiya for offences under Sections 420, 467, and 468 of the Indian Penal Code. Pursuant to the said FIR, the police arrested Durgendra Katholiya on 29.03.2025 at about 5:00 p.m., and subsequently produced him before the learned Chief Judicial Magistrate, Dhamtari, on 31.03.2025 for remand. At the time of production, Durgendra Katholiya was in good health. After remand, he was taken back to the custody of Police Station Arjuni, District Dhamtari, Chhattisgarh, on the same day at about 5:00 p.m.

Thereafter, the staff of Police Station Arjuni grossly misused their authority and subjected Durgendra Katholiya to third-degree torture while in custody. As a result, he sustained multiple injuries, approximately 25–30 in number on his left hand, chest, thigh, knee, leg, face, and nose, as observed on his dead body. Due to such brutal torture, Durgendra Katholiya succumbed to his injuries and died in police custody on 31.03.2025 at around

8:00 p.m.

Subsequently, on the next day, i.e., 01.04.2025 at about 11:00 a.m., the concerned police officers falsely informed that Durgendra Katholiya had fallen ill and admitted him to the District Hospital, Dhamtari, while suppressing the fact of his death. The police then registered Merg No. 16/2025, and post-mortem was conducted on the same day at about 5:00 p.m. Thereafter, the body was handed over to the petitioners.

Upon receiving the body, the petitioners noticed multiple injuries as mentioned above and came to know that Durgendra Katholiya had died due to custodial torture at Police Station Arjuni, District Dhamtari. The petitioners thereafter submitted several complaints before the competent authorities seeking registration of an FIR against respondents No. 7 and 8 for offences punishable under Sections 103 and 3(5) of the Bharatiya Nyaya Sanhita (BNS), but no action has been taken till date, despite a lapse of about one and a half months.

Due to such inaction, the petitioners are suffering severe mental agony, and the family's livelihood has been adversely affected, while respondents No. 7 and 8 continue to roam freely without accountability. Therefore, the petitioners have preferred this writ petition, seeking appropriate directions to the respondent authorities to take legal action on their complaint and to register an FIR against respondents No. 7 and 8 at the earliest.

4. Learned counsel for the petitioners submits that the present writ petition has been filed seeking appropriate directions against the erring police officials and for an independent, fair, and impartial investigation into the brutal custodial death of Durgendra Katholiya, the husband of petitioner No. 1. It is submitted that the deceased was arrested by the police of Police Station Arjuni, District Dhamtari, in connection with FIR No. 47/2025 for alleged offences under Sections 420, 467, and 468 of the Indian Penal Code, and was produced before the learned Chief Judicial Magistrate, Dhamtari, on 31.03.2025 for remand. At that time, the deceased was in sound health. However, within merely three hours of being taken back to police custody, he was found dead inside the police station at about 8:00 p.m. The postmortem and medico-legal reports reveal 25–30 injuries on different parts of his body, including the hand, chest, thigh, leg, and face, clearly indicating that the deceased was subjected to third-degree torture while in police custody. Despite repeated complaints and representations made by the petitioners to the higher authorities, no criminal action has been initiated against the erring officers, and the authorities have deliberately shielded respondents No. 7 and 8, who are directly responsible for the custodial torture and death.
5. It is further submitted that the conduct of the respondent authorities is wholly arbitrary, illegal, and violative of the fundamental rights guaranteed under Article 21 of the Constitution

of India. The custodial death of the petitioner No.1's husband amounts to gross abuse of power and a serious infringement of the right to life and dignity. The local police, being directly involved in the incident, cannot be expected to conduct a fair investigation, therefore, the petitioners seek a direction for an independent and credible investigation by the Central Bureau of Investigation (CBI) to unearth the truth and fix accountability. Learned counsel further submits that the petitioner No. 1, being the widow of the deceased, has been left without any means of livelihood, and hence, the State is constitutionally and morally bound to provide her with adequate compensation and suitable employment. It is therefore prayed that this Hon'ble Court may kindly direct registration of FIR against respondents No. 7 and 8 under Sections 302, 120-B, and 201 of the IPC/BNS, order a CBI investigation into the matter, and grant appropriate compensation and relief to the petitioner and her family in the interest of justice.

6. On the other hand, learned Deputy Advocate General appearing for the respondents/State opposes the submissions made by the learned counsel for the petitioners and submits that on 30.03.2025, a written complaint was lodged by Rohit Sinha, S/o Shri Mahettar Sinha, aged 64 years, resident of Village Jhiriya, Police Station Arjuni, District Dhamtari (C.G.), alleging that the deceased accused Durgendra Kumar Katholia, S/o Laxman Katholia, aged 41 years, resident of Village Bhanvarmara, Police Station Basantpur, District Rajnandgaon (C.G.), had induced him

and several other farmers to sell paddy to him on the pretext of purchasing the same on behalf of Adarsh Krishi Beej Utpadak Kalyan Samiti (C.G.). Acting on such inducement, the complainant sold paddy worth Rs. 15,49,700/- to the deceased- accused for the years 2023 and 2024, while the accused had similarly defrauded about 46 other farmers of Dhamtari District, causing a collective loss of approximately Rs. 7,73,00,000/-. It was also alleged that the accused had issued cheques towards payment, which were subsequently dishonoured. Considering the allegations to be of cognizable nature, the Police of Police Station Arjuni registered Crime No. 47/2025 for the offence punishable under Section 420 IPC. It is further submitted that during investigation, the police proceeded to Village Jhiriya and thereafter to Village Bhanvarmara, where the accused was identified by the complainant and other villagers. At that time, some unidentified persons arrived and physically assaulted the accused, however, the police intervened immediately, rescued the accused from the mob, and took him into custody. During interrogation in presence of his wife, parents, and witnesses, the accused confessed that he had purchased several assets, including gold, vehicles, and immovable property, from the proceeds of the cheating. On the basis of his memorandum statement, several incriminating articles and documents were seized. Later, offences under Sections 467 and 468 IPC were added. The accused was arrested on 31.03.2025 at 16:20 hours, and his family was duly informed. His

medical examination and remand were conducted before the learned Judicial Magistrate, Dhamtari, which granted police remand till 04.04.2025.

7. It is further submitted that after obtaining police remand, while being brought back from Court, the accused complained of uneasiness. On reaching the police station, his medical examination form was prepared, and he was immediately taken to the District Hospital, where he was declared dead. The postmortem report recorded several injuries on his body, however, the medical board opined that all the injuries were simple, ante-mortem in nature, and 3–6 days old, not sufficient to cause death. The cause of death was stated to be asphyxia leading to cardio-respiratory arrest. It is further submitted that a judicial inquiry was conducted by the learned Chief Judicial Magistrate, Dhamtari, in compliance with the direction of the learned District & Sessions Judge, and the report dated 28.05.2025 has been submitted. Hence, the allegation of custodial torture is denied, as the death of the accused occurred due to natural causes and not as a consequence of any injury or police misconduct.
8. We have heard learned counsel for the parties and perused the documents appended with writ petition.
9. After considering the pleadings, the material available on record, and the rival submissions advanced by the learned counsel for the parties, this Court finds that certain facts are not in dispute. The

deceased, Durgendra Kumar Katholiya, was taken into custody by the Police of Police Station Arjuni, District Dhamtari, in connection with Crime No. 47/2025 for offences under Sections 420, 467, 468 IPC, and was produced before the learned Chief Judicial Magistrate, Dhamtari, for remand on 31.03.2025 at about 5:00 p.m. At the time of his production before the Court, he was in good health. It is equally undisputed that within approximately three hours thereafter, he was declared dead at about 8:00 p.m. while in police custody. Such an occurrence, happening within the confines of a police station, is extraordinary and immediately attracts judicial scrutiny regarding the conduct of the police authorities and the circumstances leading to the death.

10. The postmortem and medical query reports reflect that the cause of death was asphyxia leading to cardio-respiratory arrest and that twenty-four ante-mortem injuries were present on various parts of the body. The State has attempted to explain away these injuries as “simple in nature” and “3-6 days old.” However, the Court notes that the burden of ensuring the safety and bodily integrity of a person in custody lies squarely on the State. Whether the injuries were simple or grievous, old or recent, the State cannot avoid responsibility for a death that occurred while the person was under its exclusive control and protection. The multiplicity and distribution of the injuries, coupled with the short span of time between judicial remand and death, unmistakably reveal that the deceased was subjected to severe physical assault and inhuman treatment while

in police custody. All these circumstances, taken cumulatively, lead to the inescapable conclusion that the death was a result of police atrocities and custodial excess.

11. On a specific query posed by this Court to the learned State Counsel, it was revealed that the copy of the postmortem report had not been filed along with the writ petition despite being relied upon by both sides. The absence of such a fundamental document in a matter concerning custodial death is a serious lapse. Custodial death cases demand the highest degree of procedural transparency and record maintenance. The omission only reinforces the concern that the investigation into the incident was neither thorough nor conducted with the seriousness such matters deserve.
12. It is true that the deceased was an accused in a case involving allegations of cheating and forgery. However, the right to life and dignity guaranteed under Article 21 of the Constitution of India is not conditional upon a person's moral character or legal status. Even an accused person retains every constitutional protection, including the right to be treated with dignity and not to be subjected to cruel, inhuman or degrading treatment. The death of a person in police custody, even when attributed to natural causes, demands strict judicial scrutiny, since the deceased was under the exclusive care of the State authorities and deprived of his liberty.
13. The Court is mindful of the settled position that when a person dies

while in police custody, the burden lies heavily on the State to explain the cause of such death satisfactorily. A mere plea of “natural death” cannot absolve the State of its constitutional responsibility unless the circumstances are fully established through credible, independent evidence. Unfortunately, in the present case, the State has not produced any material to convincingly demonstrate that the death was entirely natural or unrelated to custodial conditions. On the contrary, the injuries found on the body of the deceased and the absence of any plausible explanation from the authorities clearly point towards the commission of custodial torture and brutality amounting to police atrocity.

14. Leading case dealing with custodial death and compensation is the matter of **Saheli v. Commr. of Police** reported in (1990) 1 SCC 422, wherein the Hon'ble Supreme Court has held thus:-

"10. It is now apparent from the report dated December 5, 1987 of the Inspector of the Crime Branch, Delhi as well as the counter-affidavit of the Deputy Commissioner of Police, Delhi on behalf of the Commissioner of Police, Delhi and also from the fact that the prosecution has been launched in connection with the death of Naresh, son of Kamlesh Kumari showing that Naresh was done to death on account of the beating and assault by the agency of the sovereign power acting in violation and excess of the power vested in such agency. The mother of the child, Kamlesh Kumari, in our considered opinion, is so

entitled to get compensation for the death of her son from respondent 2, Delhi Administration.

11. An action for damages lies for bodily harm which includes battery, assault, false imprisonment, physical injuries and death. In case of assault, battery and false imprisonment the damages are at large and represent a solatium for the mental pain, distress, indignity, loss of liberty and death. As we have held herein before that the son of Kamlesh Kumari aged 9 years died due to beating and assault by the SHO, Lal Singh and as such she is entitled to get the damages for the death of her son. It is well settled now that the State is responsible for the tortuous acts of its employees. Respondent 2, Delhi Administration is liable for payment of compensation to Smt. Kamlesh Kumari for the death of her son due to beating by the SHO of Anand Parbat Police Station, Shri Lal Singh."

15. Another case on the subject is the matter of **Smt. Nilabati Behera alias Behera alias Lalita Behera vs. State of Orissa** reported in AIR 1993 SC 1960 where the Hon'ble Supreme Court had occasion to give its observation on the point of custodial death. The Hon'ble Supreme Court had observed as follows;-

"16. It follows that a claim in public law for compensation for contravention of human rights and fundamental freedoms, the protection of which is guaranteed in the Constitution, is an acknowledged remedy for enforcement and protection of such rights, and such a claim based on strict liability made by resorting to a constitutional remedy provided for the enforcement of a fundamental right is 'distinct from, and in addition to, the remedy in private law for

damages for the tort' resulting from the contravention of the fundamental right. The defence of sovereign immunity being inapplicable, and alien to the concept of guarantee of fundamental rights, there can be no question of such a defence being available in the constitutional remedy. It is this principle which justifies award of monetary compensation for contravention of fundamental rights guaranteed by the Constitution, when that is the only practicable mode of redress available for the contravention made by the State or its servants in the purported exercise of their powers, and enforcement of the fundamental right is claimed by resort to the remedy in public law under the Constitution by recourse to Arts. 32 and 226 of the Constitution. This is what was indicated in *Rudul Sah* (AIR 1983 SC 1086) and is the basis of the subsequent decisions in which compensation was awarded under Arts. 32 and 226 of the Constitution, for contravention of fundamental rights.

33. The public law proceedings serve a different purpose than the private law proceedings. The relief of monetary compensation, as exemplary damages, in proceedings under Article 32 by this Court or under Article 226 by the High Courts, for established infringement of the indefeasible right guaranteed under Article 21 of the Constitution is a remedy available in public law and is based on the strict liability for contravention of the guaranteed basic and indefeasible rights of the citizen. The purpose of public law is not only to civilize public power but also to assure the citizen that they live under a legal system which aims to protect their interests and preserve their rights. Therefore, when the court moulds the relief by granting "compensation" in proceedings under Article 32 or 226 of the Constitution seeking enforcement or protection of fundamental rights, it does so under the public law by way of penalising the wrongdoer and fixing the liability for the public wrong on the State which has failed in its public duty to protect the fundamental rights of the citizen. The payment of compensation in such cases is not to be understood, as it is generally understood in a civil action for damages under the private law but in the broader

sense of providing relief by an order of making 'monetary amends' under the public law for the wrong done due to breach of public duty, of not protecting the fundamental rights of the citizen. The compensation is in the nature of exemplary damages' awarded against the wrong doer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort, through a suit instituted in a court of competent jurisdiction or/and persecute the offender under the penal law. This Court and the High Courts, being the protectors of the civil liberties of the citizen, have not only the power and jurisdiction but also an obligation to grant relief in exercise of its jurisdiction under Articles 32 and 226 of the Constitution to the victim or the heir of the victim whose fundamental rights under Article 21 of the Constitution of India are established to have been flagrantly infringed by calling upon the State to repair the damage done by its officers. to the fundamental rights of the citizen, notwithstanding the right of the citizen to the remedy by way of a civil suit or criminal proceedings."

16. In **D.K. Basu v. State of West Bengal** reported in 1997 (1) SCC 416 the Hon'ble Supreme Court has exhaustively considered this question and held that monetary compensation should be awarded for established infringement of fundamental rights under Article 21 of the Constitution of India i.e. right to life and held thus;-

"Custodial violence, including torture and death in the lock ups strikes a blow at the Rule of Law, which demands that the powers of the executive should not only be derived from law but also that the same should be limited by law. Custodial violence is a matter of concern. It is aggravated by the fact that it is committed by persons who are supposed to be the protectors of the citizens. It is committed under the

shield of uniform and authority in the four walls of a police station or lock-up, the victim being totally helpless. The protection of an individual from torture and abuse by the police and other law enforcing officers is a matter of deep concern in a free society."

17. The Hon'ble Supreme Court in the decision rendered in **Malkiat Singh Vs. State of U.P.** reported in 1998 (9) SCC 351, awarded a compensation of Rs.5 lakhs to the father whose son was killed in an alleged encounter with police.
18. In **Ajab Singh v. State of UP** reported in (2000) 2 SCC 521 the Hon'ble Supreme Court, while considering about the compensation in respect of custodial death of a person who was remanded to judicial custody and while in jail, he was removed to hospital where he died and on consideration of post-mortem report it stated that he died due to shock and haemorrhage due to ante-mortem injuries, while ordering payment of compensation by refusing to accept the defence of the State Government, held that when such deaths occur, it is not only to the public at large that those holding custody are responsible, they are responsible also to the Courts under whose orders they hold such custody.
19. In **Meena Singh v. State of Bihar** reported in 2001 CriLJ 3573 the victim was attacked and killed by co-prisoners by the use of chhura, iron rods and belts etc. The next of kin of the deceased were awarded compensation by the Patna High Court for the unnatural death of the victim in custody.

20. In the case of **R. Dhanalakshmi Vs. Government of Tamil Nadu** reported in 2004 W.L.R. 346, the learned single Judge of the Court fixed a compensation of Rs.9 lakhs in respect of the custodial death taking note of age, income of the deceased, family circumstances and dependency etc, by applying the multiplier as provided under the Motor Vehicles Act .
21. The High Court of Madras in **Rajammal v. State of Tamil Nadu** reported in (2008) 3 MLJ 167, while considering the quantum of compensation in respect of custodial death of a person, who died due to the assault of the police personnel, held that the family of the deceased needs to be reasonably compensated and holding so, enhanced the compensation from Rs.3 lakhs to Rs.5 lakhs. For better appreciation, paragraphs 15 and 16 thereof are extracted hereunder:

"15. It is also seen from the grounds of the memorandum of appeal that the appellant's sons were aged 23, 20 and 15 years and daughters were aged 22, 18 and 17 years at the time of death of her husband. These particulars furnished by the appellant regarding her children were not disputed by the respondents in any way. Thus, it is clear that the family of the deceased is crunching under financial difficulties, presumably because of the sudden loss of the head of the family prematurely, that too in usual circumstances, which are attributed to police excesses. From the above particulars furnished by the appellant, which remain unchallenged, it is further clear that the appellant has to give in marriage a daughter and also two sons, besides looking after her grand-son, whose parents committed suicide.

16. Considering all these facts and circumstances of the case, we consider it appropriate to enhance the compensation ordered by the learned single Judge from Rs.3 lakhs to Rs.5 lakhs as has been prayed for by the petitioner in the writ petition. This writ appeal is allowed accordingly. No Costs."

22. Likewise, in **Santosh Kumari v. State of HP** reported in (2011) 3 MPHT 81 the victim died while he was in police custody and it was found that he had injuries on his head, shoulders, eyes, knees and private parts. He died in hospital as he was not given medical assistance in time. In view of the unnatural death while in custody, the Himachal Pradesh High Court awarded compensation to the next of kin of the deceased.
23. An unnatural death in judicial custody where one person was killed by a co-prisoner was the subject-matter of discussion in **Amandeep v. State of Punjab** reported in 2012 SCC Online P&H 19844 and the High Court of Punjab & Haryana awarded compensation to the next of kin of the deceased due to the unnatural death in custody.
24. The Hon'ble Supreme Court in its judgment in **Re-Inhuman Conditions in 1382 Prisons** reported in (2017) 10 SCC 658 has discussed the need to compensate in custodial death cases in following pertinent words;-

"55. Over the last several years, there have been discussions on the rights of victims and one of the rights of victims and one of the rights of a victim of

crime is to obtain compensation. Schemes for victim compensation have been framed by almost every State and that is a wholesome development. But it is important for the Central Government and the State Governments to realize that persons who suffer an unnatural death in a prison are also victims - sometimes of a crime and sometimes of negligence and apathy or both. There is no reason at all to exclude their next of kin from receiving compensation only because the victim of an unnatural death is a criminal. Human rights are not dependent on the status of a person but are universal in nature. Once the issue is looked at from this perspective, it will be appreciated that merely because a person is accused of a crime or is the perpetrator of a crime and in prison custody, that person could nevertheless be a victim of an unnatural death. Hence the need to compensate the next of kin."

25. The above quoted judgements make it clear that for the violation of fundamental rights of a citizen by the State or its servants, in the purported exercise of their powers, the affected citizen can resort to the remedy in public law by taking recourse to Article 226 of the Constitution of India. It further makes it clear that the compensation is in the nature of "exemplary damages" awarded against the wrongdoer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort, through a suit instituted in a Court of competent jurisdiction or/and prosecute the offender under the penal law. Thus, it is settled law that compensation can be awarded for violation of fundamental rights in public law domain.

26. Above being the position of fact and law, we have no hesitation in holding that the petitioners, being the widow and parents of the deceased, have suffered severe mental, emotional, and financial hardship due to the untimely death of their family member. The death occurring in custody, irrespective of its precise medical cause, is sufficient to engage the State's constitutional obligation under Article 21 to compensate the dependents for the loss of their breadwinner and for the violation of their right to a dignified life.
27. The Court notes that learned counsel for the petitioners has chosen not to press prayer Nos. 1 and 2 of the petition, which relate to registration of FIR and criminal proceedings against the police authorities and further prayer Nos. 3, 5 and 6 of the petition, which relate to providing of government job, to seek documents under the RTI Act and to take necessary steps upon the complaint of the petitioners and confines his prayer with regard to prayer Nos.4 and 7 i.e. grant of compensation. Accordingly, prayer Nos. 1, 2, 3, 5 and 6 are dismissed as not pressed.
28. Now the question that arises for consideration is with regard to the quantum of compensation to be awarded. The Courts have, time and again, deprecated such conduct on the part of police and jail officials as noticed hereinabove, and it has been consistently held that where the State, through its officers, is found responsible for violation of the fundamental right to life of a person in its custody, the award of compensation must serve not only as restitution to

the aggrieved family but also as a deterrent against recurrence of such inhuman acts. The object of awarding compensation in such cases is twofold i.e. first, to provide some solace to the victims' family for the irreparable loss suffered, and second, to remind the State that it bears a constitutional and moral responsibility to ensure that no individual in its custody is subjected to torture, cruelty, or indignity. In the present case, the material on record clearly demonstrates that the deceased, Durgendra Kumar Katholiya, aged about 41 years, who was arrested in connection with a criminal case of cheating and financial fraud, was hale and hearty when produced before the learned Chief Judicial Magistrate at 5:00 p.m. on 31.03.2025, but was declared dead merely three hours later while in police custody. The postmortem report revealing twenty-four ante-mortem injuries on various parts of his body, along with the medical opinion attributing the cause of death to respiratory failure due to asphyxia, unmistakably establishes that the deceased was subjected to physical torture and inhuman treatment at the hands of the police. These circumstances leave no manner of doubt that the death was not natural but the result of custodial violence and police atrocities, in complete breach of the guarantee under Article 21 of the Constitution of India. The petitioners, being the widow and parents of the deceased, have thus suffered immense mental agony, loss of affection, dependency and social trauma. Having regard to the totality of the facts and circumstances, this Court is of the

considered opinion that the compensation must be adequate, just, and meaningful, so as to serve the ends of justice. Accordingly, this Court deems it appropriate to direct the respondent-State to pay a total compensation of Rs. 3,00,000/- (Rupees Three Lakhs) to petitioner No. 1, the widow of the deceased, for herself and her two minor children born out of the wedlock, and Rs. 1,00,000/- (Rupees One Lakh) each to petitioner Nos. 2 and 3, being the parents of the deceased, within a period of eight weeks from the date of this order, failing which the said amount shall carry interest at the rate of 9% per annum from the date of this judgment till its realization. The Secretary, Department of Home, Government of Chhattisgarh (respondent No.1) shall ensure strict compliance of this direction and effect payment within the time stipulated so that some measure of justice is extended to the bereaved family and an institutional message is sent that such police atrocities shall not go unaccounted for.

29. In the result, the writ petition stands **allowed** to the extent indicated above.
30. The Registry as well as the learned State counsel are directed to send a copy of this order to all the respondents, forthwith for information and necessary compliance.
31. Before parting, this Court deems it appropriate to reiterate that custodial deaths and police atrocities erode the very foundation of public trust in the criminal justice system. Every such incident

diminishes the credibility of the law-enforcement machinery and shakes the faith of citizens in constitutional governance. The State must, therefore, take earnest steps to sensitize police personnel regarding human rights, ensure strict adherence to the D.K. Basu (supra) guidelines, and enforce accountability measures to prevent recurrence of such barbaric practices within the police force.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Manpreet

HEAD-NOTE

Where a person dies in police custody, the burden lies heavily on the State to explain the cause of death through credible, independent evidence. Failure to do so, especially in cases where ante-mortem injuries are present or the death occurs shortly after custody, constitutes a violation of the right to life and dignity under Article 21. The State is liable to pay compensation to the dependents of the deceased, which serves the dual purpose of relief to the family and deterrence against future violations.