

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 3354/2025

Jawahar Lal S/o Mangla Ram, Aged About 63 Years, R/o Kelawa
Kalla Police Station Karwar District Jodhpur Rajasthan

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Saddam Hussain, Adv., for Mr. Bhagirath Ray Bishnoi, Adv.
For Respondent(s)	:	Mr. Lalit Kishor Sen, PP with Mr. R.S. Bhati, Asstt.G.A.

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

29/04/2026

1. The instant criminal misc. petition has been filed under Section 528 B.N.S.S. on behalf of the petitioner seeking direction for conducting fair and impartial investigation in FIR No.08/2025 registered at Police Station Karwar, District Jodhpur City (East).
2. Petitioner filed the aforementioned FIR against the accused person named in the FIR for the offences punishable under Sections 115(2) and 126(2) of BNS, 2023. It is the case of the petitioner that police authorities have not taken any action against the accused person and thus appropriate direction be given for fair and impartial investigation of the FIR.
3. This Court is of the opinion that in view of the observations made and directions given by the Hon'ble Apex Court in the case of **Sakiri Vasu Vs. State of U.P.**, reported in **AIR 2008 SC 907**,

the Judicial Magistrate has very wide powers to enquire about the investigation and for monitoring the investigation to ensure that the investigation is done properly. Apex Court has further observed that the High Court should discourage the practice of filing writ petitions or petitions under Section 528 B.N.S.S simply because a person has a grievance that investigation has not been done properly by the Police. For this grievance, the remedy lies before the concerned Magistrate.

4. In view of the Judgment of the Apex Court, I do not find any force in the criminal misc. petition and the same is accordingly disposed of. Stay petition also stands disposed of.

5. However, petitioner would be free to approach the concerned Magistrate to inquire about the progress of the investigation.

(ANIL KUMAR UPMAN),J