

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 399/2022

Indrajeet S/o Ramawtar Gurjar

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s) : Mr. Neeraj Kumar Gurjar through VC
For Respondent(s) : Mr. Arvind Kumar, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

13/01/2022

The instant miscellaneous petition has been preferred on behalf of the petitioners seeking quashing of the FIR No.481/2019 registered at P.S. Todaraisingh, District Tonk for the offences under Section 143, 341, 342, 323, 365, 307, 379 & Section 3(1)(S)(R) & 3(2)(V) of SC & ST Act.

Learned counsel for the petitioner submits that the FIR came to be lodged way back on 05.11.2019 wherein the complainant-Pawan Kumar had alleged that while he was going to his way suddenly an assault was made over them and a scorpio car hit their car and 10-15 persons bashed up them with sticks and iron rods whereby the complainant and other person sustained injuries. It is reflecting that during the course of the investigation, the victim Bhupendra succumbed to the injuries and offence under Section 302 of IPC was also added. After conducting thorough investigation in the matter, a charge-sheet No.02/2020 dated 30.01.2020 came to be submitted against the seven accused persons while keeping the investigation pending under Section

173(8) CrPC. However no steps have been taken by the agency after the submission of the first charge-sheet. Counsel submits that out of 8 petitioners though four are named in the list for which the investigation was kept pending and the name of the rest of the accused does not find place therein and as such a sword is posed against them neither any steps have been taken by the agency nor the petitioners can feel free and every time they have apprehension of being dragged in this matter whilst the petitioners have nothing to do with alleged offence, there is no whisper in the entire charge-sheet regarding the involvement and participation of the accused in the commission of the crime. They are ready and willing to co-operate with the investigation so that the investigation can be reached to a legitimate conclusion.

Learned Public Prosecutor seeks time to complete his instructions. He is permitted to do so.

In the totality of facts and circumstances of the case, this Court deems it appropriate to direct the petitioners to appear before the Investigating Officer of this case, on or before 30.01.2022. In the event, the petitioners appear before the Investigating Officer, he shall conduct thorough investigation from them, the necessary interrogation shall be made and thereafter shall send the report for the perusal of this Court on the next date of hearing along with the case diary.

List the matter on 25.02.2022. Till then the petitioner shall not be arrested.

(FARJAND ALI),J