

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 476/2020

Ram Kumar Gurjar S/o Kaptan Singh, Aged About 50 Years, R/o Gurjar Colony, Opposite Water Works, G.T. Dholpur, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp.
2. Man Singh S/o Shri Gopal Singh Rajput, R/o Chandpole Darwaja, Purbian Mohalla, Police Station Bhinder, Tehsil Ballabh Nagar, District Udaipur, Raj.

-----Respondents

Connected With

S.B. Criminal Writ Petition No. 705/2019

Jaswant Singh S/o Shri Kamal Singh, Aged About 65 Years, R/o Parvati Sadan G.T. Road Dholpur

-----Petitioner

Versus

1. State Of Rajasthan, Represented Through Additional Director General Of Police Crime Branch Raj. Jaipur
2. The Principal Secretary (Home) Govt. Of Raj., Govt. Secretariat Jaipur

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 7547/2019

Ramniwas S/o Sabharam, Aged About 49 Years, R/o Hinota, Ps Maniya, Dholpur, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp.
2. Superintendent Of Police, Dholpur.
3. Station House Officer, Police Station Maniya, District Dholpur.
4. Station House Officer, Police Station Nihalganj, District Dholpur.
5. Jaswant Singh S/o Kamal Singh, Aged About 65 Years, R/o Parwati Sadan, Gt Road, Dholpur.

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 109/2020

1. Rajveer Son Of Shri Ummedi Lal, Resident Of Gujar Colony, Dholpur
2. Shibbu Son Of Shri Baijnath, Resident Of Dhulkot Road, Dholpur.
3. Mahendra Son Of Shri Ram Sahai, Resident Of Gujar Colony, Dholpur
4. Hari Singh Son Of Shri Kamal Singh, Resident Of Gujar Colony, Dholpur
5. Nathee Son Of Shri Ummedi Lal, Resident Of Gujar Colony, Dholpur
6. Ramnath Son Of Shri Ummedi Lal, Resident Of Gujar Colony, Dholpur

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Public Prosecutor.
2. Man Singh Son Of Shri Gopal Singh Rajput, Resident Of Chandpole Darwaja, Purbian Mohallah, Police Station Bhindar, Tehsil Ballabh Nagar, District Udaipur.

-----Respondents

For Petitioner(s)	:	Mr. Vivek Raj Singh Bajwa with Ms. Savita Nathawat Mr. Rinesh Gupta with Mr. Ashutosh Naruka Mrs. Deepti Jindal, Mrs. Reena Goyal, Mr. Shubham Arora and Ms. Neelam Choudhary for Mr. Amit Jindal Ms. Sangeeta Kumari Sharma
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP with Ms. Neha Goyal Mr. Anirudh Singh

JUSTICE ANOOP KUMAR DHAND

Order

24/04/2026

In S.B. Criminal Miscellaneous (Petition) Nos.476/2020, 705/2019 and 109/2020:

1. The instant three petitions have been filed with a prayer for quashing of the order dated 30.08.2019 passed by the Additional Direction General of Police, Crime Branch, CID (CB), Rajasthan as well as the proceedings arising out of the impugned FIR No.447/2012 registered with Police Station Nihalganj, Dholpur for the offences punishable under Sections 365 and 342 IPC.
2. Learned counsels for the petitioners submit that after thorough in the matter, final report (negative) was submitted by the Investigating Agency before the Court of Additional Chief Judicial Magistrate, Dholpur and the same was accepted on 09.08.2018. Counsels submit that without seeking any prior permission from the concerned Court, the investigation in the impugned FIR was against initiated by the Investigating Agency at the instance of the Additional Director General of Police, Crime Branch, CID (CB). Counsels submit that it is settled proposition of law that once final report is accepted by the learned Magistrate, the Police cannot re-investigate the matter again without seeking prior permission of the Court. In support of their contentions, they have placed reliance upon the order passed by the Co-ordinate Bench of this Court in the case of **Amar Singh and Ors. vs. The State of Rajasthan** reported in **1991(2) RLW (Raj.) 681**. Counsel submits that under these circumstances, interference of this Court is warranted.
3. *Per contra*, learned Public Prosecutor submits that after further investigation, again final report (negative) has been submitted in the impugned FIR on 23.02.2026, hence under the

changed circumstances, no cause of action survives with the petitioners to continue with the instant petitions and the same have become infructuous.

4. Considering the above factual aspect of the matter, the all the instant three criminal misc. petitions stand disposed of, as having become infructuous, keeping the academic question alive to be decided in other cases as to whether further investigation/re-investigation can be conducted without seeking prior permission of the Magistrate or not?

5. The stay application and all pending applications, if any, also stand dismissed.

6. The factual report dated 23.04.2026 furnished by the Station House Officer, Nihalganj, District Dholpur is ordered to be retained on the record.

In S.B. Criminal Miscellaneous (Petition) No.7547/2019:

7. The instant petition has been submitted by the petitioner seeking directions to the Police Officials to provide protection, as he is feeling threat to his life and personal liberty at the hand of the private respondent, who is the accused in the impugned FIR No.447/2012.

8. Learned Public Prosecutor submits that final report (negative) has been submitted twice in the instant matter and at one point of time, final report has already been accepted. Hence, under the changed circumstances, the petitioner has no apprehension of his life and personal liberty. Hence, under the changed circumstances, the relief sought for, has become infructuous.

9. Accordingly, the instant criminal misc. petition is dismissed as having become infructuous. The stay application and all pending applications, if any, also stand dismissed.

10. However, the petitioner would be at liberty to file an appropriate application in future, in case, he faces any difficulty or threat to his personal liberty.

(ANOOP KUMAR DHAND),J