

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



S.B. Criminal Miscellaneous (Petition) No. 2993/2022

Kamaldeep Meena S/o Shri Bansi Dhar Meena, R/o 105 Pareek
Mohala Sirsi Jaipur.

-----Petitioner

Versus

1. State of Rajasthan, Through Public Prosecutor.
2. Shri Om Prakash Meena S/o Shri Satya Narayan, R/o
Khatipura, Kemla Ki Dhani, Tehsil Sanganer, Jaipur.

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 2597/2021

Devesh Kumar S/o Shri Harpal Singh, aged about 34 Years,
Resident of 410, Yadav Nagar, Jhotwara Road, P.S Shastri Nagar,
Jaipur, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Director General of Police, Police Head Quarter, Lal Kothi,
Tonk Road, Jaipur.
3. Commissioner of Police, Police Commissionerate Jaipur,
Government Hostel, M.I Road, Jaipur, Rajasthan.
4. S.H.O, Police Station, Pratap Nagar, Jaipur City (East),
Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Ashok Choudhary Mr. Harsh Joshi for Mr. Deepak Chauhan Mr. Rakesh Prajapat for Mr. Akhilesh Kumar Pareek
For Respondent(s)	:	Mr. Jitendra Singh Rathore-PP Mr. Gaurav Gupta-Asstt.GA Mr. Amitabh Jatav with Mr. Puneet Prajapat

JUSTICE ANOOP KUMAR DHAND

26/05/2026

1. S.B. Criminal Misc. Petition No 2597/2021 has been submitted by the petitioner-Devesh Kumar for issuing directions to the Investigating Officer for conducting fair and impartial investigation in FIR No. 993/2018 registered with Police Station Pratap Nagar, Jaipur (North) for the offences punishable under Sections 147, 148, 149, 323, 341, 427, 452, 302 and 120B IPC and Sections 3(2)(v) SC/ST Act while S.B. Criminal Misc. Petition No. 2993/2022 has been submitted by the accused petitioner-Kamaldeep Meena for quashing the aforesaid impugned FIR.

2. Counsel appearing on behalf of the petitioner in S.B. Criminal Misc. Petition No. 2993/2022 submits that the petitioner has been falsely implicated in the instant case, when in-fact he was not present at the place of the alleged incident. Counsel submits that charge-sheet has already been submitted against the other accused persons and investigation was kept pending against the petitioner. Counsel further submits that the complainant-Om Prakash Meena, who is the eye witness of the incident, has deposed before the Trial Court against the co-accused persons whereas he has denied the presence of the petitioner at the place of the alleged incident. Counsel submits that the Investigating Agency wants to implicate the petitioner simply on the basis of the call details. Counsel further submits that there is no iota of evidence against him to connect him with the alleged offence. Hence, interference of this Court is warranted.

3. Per contra, learned Public Prosecutor as well as counsel for the complainant oppose the prayer and submit that after thorough

investigation in the matter, *prima facie* case was found to be proved against the petitioner. Hence, interference of this Court is not warranted.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. It is settled proposition of law that whenever the investigation reveals *prima faice* involvement of the suspect, this Court cannot make a fishing and roving inquiry to find out the truth behind the allegations levelled in the impugned FIR. The correctness of the allegations cannot be examined by this Court in exercise of its inherent jurisdiction contained under Section 482 Cr.P.C. Certainly, this task has been assigned to the Investigating Agency.

6. In the considered opinion of this Court, both criminal misc. petitions stand disposed of, granting liberty to both the petitioners to submit a detailed comprehensive representation in support of their respective contentions before the Investigating Officer. In case, such representation is submitted by either of the petitioners, it is expected from the Investigating Agency to consider the same and decide the matter in accordance with law.

7. With the aforesaid observations, both criminal misc. petitions stand disposed of. Stay applications and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J