

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

S.B. Criminal Miscellaneous (Petition) No. 2015/2020

Jaiprakash S/o Vedprakash and ors.

----Petitioners

Versus

State Of Rajasthan and anr.

----Respondents

For Petitioner(s) : Mr. RS Sharma
For Respondent(s) : Mr. FR Meena, PP
Mr. MP Jadoun

HON'BLE MR. JUSTICE SATISH KUMAR SHARMA

Order

22/01/2021

1. This petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 530/2019 registered at Police Station Kherli, District Alwar for the offences under Sections 406 and 420 IPC.
2. Heard learned counsel for both the sides and perused the material available on record.
3. Learned counsel for the petitioners submit that the present FIR has been registered with regard to dispute in business transaction between the parties. The present petitioners are quite innocent and they have not committed any crime. The FIR deserves to be quashed. Therefore, further investigation in the matter should be stayed and the petitioners should be granted interim protection from any sort of coercive action.
4. Learned Public Prosecutor submits that appropriate directions may be issued.
5. Since the contents of FIR prima facie constitute cognizable offence, the other alleged grounds for quashing the impugned FIR

as per the legal position expounded in ***State of Haryana Vs. Bhajan Lal [1992 (supp) 1 SCC 335]*** can only be disclosed after due investigation. Further, As per ***P. Chidambaram Vs. Directorate of Enforcement [(2019) 9 SCC 24]*** the investigation is in the domain of the Investigating Agency and the courts are not supposed to interfere in the investigation. At the same time the accused is entitled to avail due legal remedies available to him for protection of his/ her personal liberty.

6. Therefore, in light of above legal position, it is not appropriate to stay the investigation in the matter, however, having regard to the above submissions but without expressing any opinion on merits, it is directed that the investigation shall continue and the petitioners shall join the investigation and shall appear before the Investigating Officer, on or before 01.02.2021 and as and when they are called upon to do so. After completion of investigation, the police report (Challan/FR) shall be presented before the concerned Court. However, the petitioners shall not be arrested without prior notice of seven days.

7. It is made clear that in case the accused petitioners fail to join the investigation, the Investigating Officer shall be free to arrest them forthwith, if so required, subject to bail order, if any.

8. Learned Public Prosecutor is directed to call for the status report of the investigation.

9. List the matter on 15.02.2021.

(SATISH KUMAR SHARMA),J