

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

S.B. Criminal Miscellaneous (Petition) No. 2560/2020

Jugal Kishore S/o Bhagirath Mal And Ors.

-----Petitioners

Versus

State Of Rajasthan And Anr.

-----Respondents

For Petitioner(s) : Mr. Anoop Dhand through VC

For Respondent(s) : Mr. Prashant Sharma, P.P.

HON'BLE MR. JUSTICE SATISH KUMAR SHARMA

Order

18/12/2020

1. This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.190/2020 registered at Police Station Ranoli, District Sikar for the offences under Sections 143, 447, 427 and 379 IPC.
2. Heard Learned counsel for both the sides and perused the material available on record.
3. Learned counsel for the petitioners submits that the impugned FIR has been lodged against the petitioners with totally false and fabricated allegations. Civil dispute is pending between the parties. No offence whatsoever is made out against the petitioners. The impugned FIR deserves to be quashed. 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. Issue notice, returnable within two weeks.

6. Learned Public Prosecutor accepts notice on behalf of the respondent-State.

7. It is well settled legal position as expounded by the Hon'ble Supreme Court of India in ***State of Haryana Vs. Bhajan Lal [1992 (supp) 1 SCC 335]*** that an FIR can only be quashed if the contents of FIR do not constitute cognizable offence or the same has been lodged for abuse of process, but the alleged abuse of process can only be disclosed by 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.

8. Therefore, 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, as and when they are called upon to do so, but the petitioners shall not be arrested without prior notice of seven days.

9. Learned Public Prosecutor is directed to call for the case diary along with status report of the investigation.

10. List the matter on 29.01.2021.

11. Application bearing No.01/2020 stands disposed of.

(SATISH KUMAR SHARMA),J