

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 360/2017

Omprakash Aggarwal S/o Shri Govindram Aggarwal, R/o 21,
Hopecircus Alwar At Present 60, Shexpeer Sarni Road Kolkotta
West Bengal

-----Petitioner

Versus

1. State Of Rajasthan Through Its Secretary Department of
Home Affaires, Government Secretariat, Jaipu
2. Superintendent Police of Distt. Alwar
3. Sho Police Station Kotwali Alwar Raj.
4. Ramsingh Yadav S/o Shri Jaisingh Yadav R/o Village
Ladpur Tehsil Bansur Distt. Alwar Raj.

-----Respondents

For Petitioner(s) : None

For Respondent(s) : Mr. Shree Ram Dhakar-PP

JUSTICE ANOOP KUMAR DHAND

Order

28/04/2026

1. By way of filing the instant criminal writ petition, two alternative prayers have been made; one for quashing the impugned FIR No. 644/2017 registered with the Police Station Kotwali, Alwar for the offences punishable under Sections 420 and 406 IPC and other for issuing directions to the Higher Police Officials to change the Investigating officer in order to conduct fair and impartial investigation.

2. So far as the first prayer of the petitioner is concerned, the same cannot be entertained, as perusal of the allegations levelled therein the impugned FIR reveals the commission of a cognizable offence. The correctness of the allegations cannot be examined by

this Court while exercising inherent powers contained under Section 482 Cr.P.C. This Court cannot conduct fishing and roving enquiry to find out the truth behind the allegations levelled against the petitioner as certainly, this task has been assigned to the Investigating Officer.

3. So far as the second prayer with regard to changing of the Investigating Officer in the matter is concerned, the petitioner is at liberty to submit an application in this regard, in case the investigation is still pending, before the Superintendent of Police, Alwar for redressal of his grievance. In case, such application is submitted by the petitioner, it is expected from the Superintendent of Police, Alwar to pass appropriate orders strictly in accordance with law expeditiously, as early as possible.

4. Accordingly, the instant criminal writ petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J