

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

S.B. Criminal Miscellaneous (Petition) No. 5283/2021

1. Poonam Devi W/o Shri Laxman Meena, Aged About 55 Years, R/o Rajnauta, Tehsil Pawta, District Jaipur, Rajasthan At Present R/o - Village Daduka, Post Bhaloji, Tehsil Kotputli, District Jaipur, Rajasthan.
2. Ravindra Meena S/o Shri Laxman Meena, Aged About 32 Years, R/o Rajnauta, Tehsil Pawta, District Jaipur, Rajasthan At Present R/o - Village Daduka, Post Bhaloji, Tehsil Kotputli, District Jaipur, Rajasthan.
3. Jitendra Kumar Meena S/o Shri Laxman Meena, Aged About 30 Years, R/o Rajnauta, Tehsil Pawta, District Jaipur, Rajasthan At Present R/o - Village Daduka, Post Bhaloji, Tehsil Kotputli, District Jaipur, Rajasthan.
4. Virendra Meena S/o Shri Laxman Meena, Aged About 28 Years, R/o Rajnauta, Tehsil Pawta, District Jaipur, Rajasthan At Present R/o - Village Daduka, Post Bhaloji, Tehsil Kotputli, District Jaipur, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Suresh Kumar Meena S/o Shri Sawantram Meena, Aged About 45 Years, R/o- Rajnauta Hall Village Daduka, Post Bhaloji, Tehsil Kotputli, District Jaipur, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Pawan Sharma for Mr. Ravi
Shanker Sharma

For Respondent(s) : Mr. C.G. Chopra, PP

HON'BLE MR. JUSTICE SATISH KUMAR SHARMA
Order

09/09/2021

1. This Petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.406/2021 registered at Police Station Kotputli, District Jaipur Rural for offences under Sections 323, 341, 379, 354 & 34 IPC.

2. Heard learned counsel for both the sides and perused the material made available on record.

3. Learned counsel for the petitioners submits that the petitioners are quite innocent. A totally false and fabricated FIR has been lodged against them. The impugned FIR is a counter blast to the FIR lodged by the petitioners against the complainant. The dispute between the parties is purely of civil nature and this FIR has been lodged to settle the score in civil dispute by giving criminal colour to the civil matter. This is a case of clear abuse of process. The impugned FIR deserves to be quashed. Meanwhile further investigation in the matter should be stayed and the petitioner should be given interim protection from any sort of coercive action.

4. Learned Public Prosecutor has opposed the petition.

5. Heard. Considered.

6. Looking to the contents of impugned FIR constituting commission of cognizable offence, this court, in view of the recent verdict of the Hon'ble Supreme Court in **M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra [(2021) SCC Online SC 315]**, does not find any ground to quash the FIR at this juncture or to stay further investigation in the matter. The grounds raised by the petitioners are subject matter of investigation, which is in the exclusive domain of Investigating Agency and the courts are not supposed to interfere with the investigation. However, it is imperative on its part to conduct the investigation in fair and impartial manner strictly in accordance with law, without being influenced by any extraneous consideration. Therefore, keeping in view the facts and

circumstances of the case and to enable the petitioner to put forth his case/ stand before the Investigating Officer, but without expressing any opinion on merits, it is directed as under:-

(i) The petitioners shall appear before the Investigating Officer and may submit representation, if any, for consideration as per law, within seven days from today. Till then the petitioners shall not be arrested.

(ii) Thereafter, the investigating Officer shall be free to arrest the petitioners, if required, subject to bail order, if any.

(iii) Needless to say that in case of apprehension of arrest, the petitioners may seek anticipatory bail, if so advised.

(iv) The Investigation shall be conducted in fair manner strictly in accordance with law without being influenced by any extraneous consideration.

(v) After investigation, police report (Challan/ Final Report) shall be filed before the concerned court to be dealt with as per law.

(vi) Latest status report of investigation shall be produced before this court by the next date positively.

7. The matter be listed on 29.10.2021.

(SATISH KUMAR SHARMA),J