

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 3891/2018

1. Naina Devi W/o Late Chhote Lal Jangid, Aged About 60 Years, R/o 49, Joshiyo Ka Mohalla Shyopur, Sanganer, Jaipur, Raj.
2. Bhag Chand Jangid S/o Late Chhote Lal Jangid, Aged About 22 Years, R/o 49, Joshiyo Ka Mohalla Shyopur, Sanganer, Jaipur, Raj.
3. Mukesh Kumar Jangid S/o Late Chhote Lal, Aged About 18 Years, R/o 49, Joshiyo Ka Mohalla Shyopur, Sanganer, Jaipur, Raj.
4. Anita Jangid W/o Shri Sohan Lal, D/o Late Shri Chhote Lal, Aged About 26 Years, R/o Village Asampura, Nevta, Jaipur, Raj.
5. Santosh Jangid W/o Shri Deepak Jangid, D/o Sh. Chhote Lal Jangid, Aged About 24 Years, R/o Asampura, Nevta, Jaipur, Raj.

----Petitioners

Versus

1. State Of Rajasthan Through PP, Jaipur
2. Rakesh Sharma S/o Shri Lal Chand Sharma B/c Brahmin, Aged About 45 Years, R/o Plot No.2, Joshiyo Ka Mohalla, Shyopur Road, Sanganer, Jaipur, Raj.

----Respondents

For Petitioner(s)	:	Mr. Vijay Kumar Jangid
For Respondent(s)	:	Mr. S.S. Mahla, PP Mr. Brijesh Kumar Bhardwaj

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

08/01/2024

1. Instant petition has been filed by petitioners under Section 482 Cr.P.C. seeking to quash the FIR No.394/2018 registered at Police Station Sanganer, District Jaipur City (East) for the offences under Section 386, 447 & 427 of IPC.
2. Counsel for the complainant pointed out that because of interim stay order dated 17.07.2018, the investigation in the impugned FIR has not completed.
3. Per contra, counsel for the petitioner submits that petitioner is a widow and old lady who is being harassed by her neighbour

and a perusal of impugned FIR do not give any rise to any cognizable offence, more particularly under Section 386 IPC. He also submits that in respect of allegation to demolish the wall, civil dispute between parties is pending.

4. At this stage, without going into merits/demerits of the legality of FIR, this Court deems it just and proper to direct the Investigating Officer to proceed with the investigation, however, since as per allegation levelled in the FIR, there is no custodial investigation is required. Therefore, petitioner shall not be arrested. The interim order dated 17.07.2018 is modified accordingly.

5. List the matter on 09.02.2024 along with investigation report.

(SUDESH BANSAL),J