

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

S.B. Criminal Miscellaneous (Petition) No. 5873/2020

Maanchand Son Of Rajaram

-----Petitioner

Versus

State Of Rajasthan And Anr.

-----Respondents

For Petitioner(s) : Mr. Harsh Vardhan Sharma
For Respondent(s) : Mr. Ramesh Choudhary, P.P.

HON'BLE MR. JUSTICE SATISH KUMAR SHARMA

Order

25/01/2021

1. This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.210/2019 registered at Police Station Kolari, District Dholpur for the offences under Sections 420, 406 and 120-B IPC.
2. Heard learned counsel for both the sides and perused the material made available on record.
3. Learned counsel for the petitioner submits that the impugned FIR has been lodged with totally false and fabricated allegations regarding claim of death of son of the accused-petitioner. The FIR deserves to be quashed. Therefore, further investigation in the matter should be stayed and the petitioner 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 petitioner shall join the investigation and shall appear before the Investigating Officer on or before 02.02.2021 and as and when he is called upon to do so. After completion of investigation, the police report (Challan/FR) shall be presented before the concerned Court. However, the petitioner shall not be arrested without prior notice of seven days.

7. It is made clear that in case the accused petitioner fails to join the investigation, the Investigating Officer shall be free to arrest him 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 16.02.2021.

(SATISH KUMAR SHARMA),J