

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No. 1575/2021

Prem Singh S/o Shri Rambharosi, aged about 51 Years, R/o Nagala Lodha, Tehsil-Bharatpur At Present Residing At Jaswant Nagar, Near Singhal Bhatta, Bharatpur-9413672080,

----Complainant-Petitioner

Versus

1. State of Rajasthan, through P.P.
2. The Additional Chief Secretary, Department of Home Govt. Secretariat, Govt. of Rajasthan Jaipur (Raj.)
3. The Director General of Police, Rajasthan Police Headquarter Jaipur.
4. The Superintendent of Police, Bharatpur.
5. SHO Police Station Mathura, Gate Bharatpur.
6. Jitendra Kumar Asi, Police Station Mathura Gate Bharatpur(Investigation Officer).

----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr.Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

28/03/2026

1. The instant criminal writ petition has been preferred by the complainat-petitioner, wherein a prayer has been made for issuing directions to the Investigation Officer to conduct fair and impartial investigation in the F.I.R. No.309/2020 and submit charge-sheet against the persons absconding; or in the alternative, the investigation pertaining to the aforesaid F.I.R. be transferred to the ssCentral Bureau of Investigation.

2. This Court on earlier occasion directed the Public Prosecutor to procure the factual report of investigation conducted so far, pursuant to the aforesaid, Public Prosecutor has received the factual report from the S.H.O., Police Station Mathuragate, District Bharatpur dated 24.02.2026, which indicates that after thorough investigation in the instant matter, the Police has prima facie found the offence proved against the accused persons under Sections 420, 406 & 120-B IPC. Since, the accused persons are absconding and they are beyond the clutches of the Police, hence, in spite of giving them notice under Section 41(1) Cr.P.C. and warrant under Section 37 of the Police Act would be obtained for the purpose of filing charge-sheet against the absconding accused persons under Section 299 Cr.P.C.

3. Considering the above contents so made in the factual report, this Court deems it just and proper to dispose of the instant petition, granting liberty to the Investigating Agency to obtain the Police warrant under Section 37 of the Police Act for the purpose of securing the presence of the accused persons before the Court and even if, the Police fails to trace the accused persons, then the Investigating Officer would be at liberty to submit the charge-sheet against the absconding accused persons under Section 299 Cr.P.C., strictly in accordance with law.

4. With the aforesaid observation and direction, the instant criminal writ petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J