

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No.654/2022

Manish Kakrania S/o Shri Devi Prasad

-----Petitioner

Versus

State of Rajasthan & Ors.

-----Respondents

For Petitioner(s)	:	Mr.Mahendra Singh with Mr.Pratik Jain
For Respondent(s)	:	Mr.Jitendra Singh Rathore, PP Mr.Vinod Kumar Singhal

JUSTICE ANOOP KUMAR DHAND

Order

21/01/2025

1. Learned counsel for the petitioner submits that for quashing of the instant F.I.R. No.219/2021 registered with Police Station Sanganer Sadar, Jaipur City (South), the petitioner approached this Court by way of filing S.B. Criminal Misc. (Petition) No.3229/2021, and the same was disposed of by this Court vide order dated 13.01.2022, directing the petitioner to submit a representation before the concerned Superintendent of Police and the concerned Superintendent of Police was directed to consider the same and instruct the concerned Investigating Officer to conduct fair, impartial and expeditious investigation, the aforesaid order was passed by the Co-ordinate Bench of this Court in the light of the judgment passed by the Hon'ble Apex Court in the case of **Arnesh Kumar Vs. State of Bihar & Anr.** reported in **(2014) 8 SCC 273**.

2. Counsel submits that the pursuant to the aforesaid order, the detailed representation was submitted by the petitioner immediately on 31.01.2022, but till date, the said representation has not been decided by the Authorities concerned by passing a reasoned, cogent and speaking order. Counsel submits that on the contrary, the Police is bent upon to arrest the petitioner.

3. Counsel submits that the incident pertain to the year 2019 and the petitioner has already resigned from the company on 04.07.2019, while the F.I.R. has been registered, after a delay of more than two years, i.e., on 13.03.2021. Counsel submits that several F.I.Rs of similar nature has been registered against the petitioner and other co-accused persons and the validity of the subsequent F.I.Rs has been assailed before this Court by way of filing different Criminal Misc. Petition Nos.4207/2024, 864/2021, 663/2021 & 581/2021 and in those petitions, interim orders have been passed, protecting the personal liberty of the petitioner and the further proceedings of the said F.I.Rs have been stayed. Counsel submits that the instant successive petition is maintainable under the changed circumstances, hence interference of this Court is warranted.

4. *Per contra*, learned Public Prosecutor as well as counsel for the complainant opposed the prayer and submitted that after rejection of the first petition, the successive petition is not maintainable and the custodial arrest of the petitioner is required.

5. Considering the arguments put forward by the learned counsel for the petitioner and looking to the fact that the earlier order dated 13.01.2022, passed by this Court in the earlier petition has not been complied with by the respondents and the

representation submitted by the petitioner has not been considered and dealt with, hence, under these circumstances, the instant petition has been submitted for quashing of F.I.R.

6. Heard. The matter requires consideration.
7. List the matter again on 11.02.2025.
8. Learned Public Prosecutor is directed to call for the status report of investigation conducted so far.
9. In the meantime, no coercive action be taken against the petitioner.
10. The petitioner may appear before the concerned Investigating Officer for the purpose of his interrogation.

(ANOOP KUMAR DHAND),J