

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

S.B. Criminal Miscellaneous (Petition) No. 7172/2019

Sumer Singh Gurjar S/o Harju, R/o Plot No. 161, Rukmani Nagar,
Vijaypura, Agra Road Jaipur Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Naresh Singh Gurjar S/o Shri Lal Gurjar, R/o Bada Gaon,
Khedla, Tehsil Mahuwa, District Dausa Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Anurag Shukla through VC
For Respondent(s)	:	Mr. Nawal Singh Sikarwar through VC Mr. Arvind Bhadu, P.P. for State Investigating Officer, Mr. Jagdish Prashad, S.I, P.S. Kanota, Jaipur

HON'BLE MR. JUSTICE SATISH KUMAR SHARMA

Order

06/01/2021

1. This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.445/2019 registered at Police Station Kanota, District Jaipur for the offences under Sections 420, 467, 468, 471, 120-B, 143, 380, 427 and 323 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 present Investigating Officer Mr. Jagdish Prashad, Sub Inspector, P.S. Kanota is also not conducting the investigation in fair manner. He is adamant to proceed further in accordance with earlier conclusion of the investigation and he is not ready to consider the

documents to be presented by the accused-petitioner, therefore fair and effective investigation should be ensured.

4. Learned counsel for the complainant-respondent submits that the investigation in this matter has been conducted consecutively by three different Investigating Officers and all the three Investigating Officers have found the offence proved against accused Sumer Singh and his bail application under Section 438 Cr.P.C. has also been rejected by the Trial Court.

5. Learned Public Prosecutor submits that appropriate directions may be issued.

6. Mr. Jagdish Prashad, S.I., Investigating Officer of the present case is present in person, who submits that he could not conclude the investigation because of interim protection to the petitioner.

7. Since the contents of FIR prima facie constitute cognizable offence, the 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.

8. Therefore, it is directed that the investigation in the matter shall be concluded expeditiously. The accused-petitioner shall appear before the Investigating Officer on or before 12.01.2021 and as and when he is called upon to do so. The documents to be presented by the accused-petitioner shall be duly investigated by the Investigating Officer. After concluding the investigation, police

report (challan/ F.R.) would be presented in the concerned Court but the petitioner shall not be arrested without prior notice of seven days.

9. It is made clear that in case the petitioner fails to join the investigation, the Investigating Officer shall be free to arrest him, if so required subject to bail order.

10. Let the status report of the investigation be procured by learned Public Prosecutor.

11. List the matter on 09.02.2021.

(SATISH KUMAR SHARMA),J

Simple Kumawat /36



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