

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7960/2024

Dayaram S/o Shri Haribal

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Vinod Kumar Gupta
For Respondent(s)	:	Mr. JS Rathore, PP with Mr. Gaurav Gupta, Asstt.GA

JUSTICE ANOOP KUMAR DHAND

Order

22/05/2026

1. The instant petition has been preferred by the complainant-petitioner seeking directions to the Investigating Officer for conducting fair and impartial investigation in FIR No.33/2016, registered at Police Station Sir Mathura, District Dholpur for the offences punishable under Sections 420, 467, 468 and 471 IPC.
2. While hearing the instant petition on previous dates i.e. 06.12.2024 and 04.05.2026, this Court as well as the Co-ordinate Bench of this Court directed the Public Prosecutor to instruct the concerned Investigating Officer to remain present before this Court.
3. When the Investigating Officer did not appear on 06.12.2024, the following order was passed:

- "1. The trial Court vide order dated 16.12.2021 directed the concerned Investigating Officer, for conducting further investigation and to obtain the analysis of the handwriting/ signature from FSL.
2. Counsel submits that in spite of passing of considerable time, i.e., 3 years, till date no

investigation has been conducted by the Investigating Officer.

3. This Court vide order dated 28.11.2024 directed the Public Prosecutor to get the status of the investigation conducted by the Police.

4. In pursuance of the aforesaid order, Public Prosecutor has furnished the factual report of investigation which does not inspire any confidence.

5. In view of the above, Public Prosecutor is directed to instruct the Investigating Officer to remain present in-person before this Court on the next date of hearing.

6. List on 18.12.2024."

4. Then on 04.05.2026, the following order was passed:

"1. It is quite shocking and surprising on the part of the Station House Officer, Police Station Sirmathura, District Dholpur to send the factual report dated 07.08.2025, indicating therein that on account of pendency of cases before the Civil Court, Final Report (Negative) was submitted before the Court of Additional Chief Judicial Magistrate No.3, Bari on 21.06.2016.

2. It is worthy to note here that against the aforesaid Final Report (Negative), a protest petition was submitted and the Trial Court, vide its order dated 16.12.2021, directed the concerned Investigating Officer for conducting further investigation after obtaining the report from Forensic Science Laboratory with regard to the disputed handwriting/signatures. When the aforesaid order passed by the Court below was not complied by the concerned Investigating Officer, under these circumstances, the petitioner approached this Court seeking directions to the Investigating Officer for conducting fair and impartial investigation pursuant to the order dated 16.12.2021 passed by the Court below.

3. When the matter was listed before this Court on 06.12.2024, the Public Prosecutor was directed to instruct the concerned Investigating Officer to remain present before this Court. Thereafter, the Investigating Officer never appeared before this Court and now a factual report dated 07.08.2025 has been submitted that in the instant case, Final Report (Negative) has already been submitted on 21.06.2016 before the concerned Court.

4. It appears that no further investigation has been conducted by the concerned Investigating Officer pursuant to the order dated 16.12.2021 passed by the Trial Court and again the factual report has been prepared on the basis of earlier FR.

5. Considering the above factual aspect of the matter, this Court directs the Public Prosecutor to instruct the concerned Station House Officer as well as the Investigating Officer to remain present before this Court on the next date along with case diary, report of FSL and factual report of investigating conducted by him pursuant to the order dated 16.12.2021 passed by the Trial Court.
6. List on 15.05.2026."

5. Twice directions have been issued by this Court to the concerned Investigating Officer to remain present before this Court.

6. The Public Prosecutor apprised this Court that every time intimation has been sent to the Investigating Officer, but in-spite of receipt of intimation, the Investigating Officer has not turned-up to appear before the Court in terms of the orders passed by this Court.

7. The aforesaid act of the concerned Investigating Officer amounts to non-compliance of the orders passed by this Court.

8. The Superintendent of Police, Dholpur is directed to ensure personal presence of the concerned Investigating Officer and the Station House Officer before this Court on the next date, along with case diary and factual report of investigation conducted so far.

9. In case, the concerned Investigating Officer as well as the Station House Officer fail to appear before this Court on the next date, appropriate orders would be passed against them.

10. List on 13.07.2026.

(ANOOP KUMAR DHAND),J