

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

S.B. Criminal Miscellaneous (Petition) No. 7681/2019

Tej Singh S/o Harbux and Ors.

-----Petitioners

Versus

State Of Rajasthan and Anr.

-----Respondents

For Petitioner(s) : Mr. Asgar Khan through VC

For Respondent(s) : Mr. Mangal Singh Saini, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

17/01/2022

The instant miscellaneous petition has been preferred on behalf of the petitioners seeking quashing of order dated 30.10.2019 passed by learned Additional Sessions Judge No. 1, Bayana, District Bharatpur in Criminal Revision No. 70/2018 as well as the order dated 13.07.2018 passed by the learned Additional Chief Judicial Magistrate, Bayana, District Bharatpur in FIR No. 493/2015 registered at Police Station Bayana, Bharatpur.

Heard learned counsel for the petitioners and learned Public Prosecutor. Gone through the orders passed by the Court below as well as the negative Final Report submitted by the Investigating Agency.

It is appearing that after conducting thorough investigation in the matter, a negative Final Report came to be submitted whereupon making protest by the complainant, the learned Magistrate initiated an enquiry and thereafter, took cognizance of the offence and issued process against the petitioners.

It is reflecting that the learned Magistrate while passing the order dated 13.07.2018 has not considered the grounds mentioned in the FR submitted by the Investigating Agency. The submissions of learned counsel for the petitioners regarding non-availability of the material which are essential to constitute offence under Sections 420, 467, 468, 471 & 120B IPC, are appear to be luring and it requires consideration.

Issue notice, returnable within four weeks.

Learned Public Prosecutor accepts notice on behalf of State.

Issue notice only to respondent No. 2.

List the matter after four weeks.

In the meanwhile, further proceedings in pursuance of order dated 13.07.2018 in connection with FIR No. 493/2015 registered at Police Station Bayana, Bharatpur pending in the Court of learned ACJM, Bayana, Bharatpur shall remain stayed.

(FARJAND ALI),J

SAHIL SONI /22

