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CrI.A.No. 1316 OF 1998

ITEM No. 101 P.H.

Court No. 8

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No. 1316 of 1998

State of Rajasthan Appellant (s)

Versus

Pradeep Choudhary Respondent (s)

(With appln. for exemption from filing O.T.)

Date : 12-08-2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s) Ms. Madhurima Tatia, Adv.  
Mr. Aruneshwar Gupta, Addl.Adv.Genl.

For Respondent (s) Mr. Sushil Kumar Jain, Adv.  
Ms. Ruchi Kohli, Adv.  
Mr. H.D. Thanvi, Adv.  
Mr. Sharad Singhania, Adv.  
Mr. Ram Niwas, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel for the parties.

The appeal is allowed and the impugned order is set aside. Now the investigation shall proceed further and upon completion thereof final form shall be submitted.

[ Alka Dudeja ] [ Om Prakash ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1316 OF 1998

State of Rajasthan...Appellant (s)

Versus

Pradeep Chaudhary...Respondent(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the High Court of Rajasthan quashed First Information Report No. 71 of 1994 registered with Rajasthan State Bureau of Investigation, Jaipur, on a report submitted by the Additional Superintendent of Police, Rajasthan State Bureau of Investigation, Ajmer, on the ground that on two earlier occasions First Information Reports were filed and final forms submitted by the Police on completion of investigation were accepted on the same allegation. We have been taken through both the First Information Reports. We are not satisfied that the previous First Information Reports and the present First Information Report were on the same facts. This being the position, we are of the view that the High Court was not justified in quashing the present First Information Report. However, it is made clear that in case upon completion of investigation in First Information Report No. 71 of 1994, the police submits final form and thereupon cognizance is taken, it

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would be open to the accused to move the High Court for quashing his prosecution. In case such an application is filed, the same shall be considered on its own merits. The appeal is, accordingly, allowed and the impugned order is set aside. Now the investigation shall proceed further and upon completion thereof final form shall be submitted.

.....J.  
(B.N. Agrawal)

.....J.  
(H.K. Sema)

New Delhi,  
August 12, 2004.