

ITEM NO.45

COURT NO.11

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

Petition(s) for Special Leave to Appeal (Crl) No(s).2495/2009

(From the judgement and order dated 06/05/2008 in
372/2007 of The HIGH COURT OF RAJASTHAN AT JODHPUR)

SBCRM No.

STATE OF RAJASTHAN & ANR.

Petitioner(s)

VERSUS

MUMTAZ KHAN MUNSHI

Respondent(s)

(With office report)

Date: 25/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. R. Gopalakrishnan, Adv.

For Respondent(s) Mr.Vivek Vishnoi, Adv.
 Mr.Mukesh Verma, Adv.
 Mr. Yash Pal Dhingra, Adv.

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

This petition is directed against order dated 06.05.2008 passed by the learned Single Judge of the Rajasthan High Court in S.B.Criminal Misc.Petition No.372 of 2007 whereby he quashed history sheet opened by Station House Officer, Police Station, Nagaur against the respondent.

We have heard learned counsel for the parties and perused the records including the statement of cases registered against the petitioner.

Ordinarily, we may have set aside the impugned order

2

because the reasons assigned by the learned Single Judge for quashing the history sheet opened against the respondent are palpably erroneous. In our view, the concerned officer could have, after going through the list of criminal cases registered against the respondent, formed a reasonable belief that he was a habitual offender within the meaning of Rule 4.5(3) of the Rajasthan Police Rules, 1965. Therefore, the order passed by

him for opening the history sheet against the respondent was legally correct and justified.

However, keeping in view the fact that the petitioner had been acquitted in three of the ten cases registered against him and two cases were compromised, even before filing of the criminal miscellaneous petition before the High Court and during the pendency of this petition, he has been acquitted in C.R. No.255/18.6.2005 and C.R. No. 296/18.7.2005, we do not consider it proper to interfere with the impugned order.

With the above observations, the special leave petition is disposed of.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master