
(2021) 01 RAJ CK 0034

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 6371 Of 2020

Devi Sahay Bairwa And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 143, 323, 341, 354

Citation : (2021) 01 RAJ CK 0034

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Narendra Kumar Sharma, Prashant Sharma

Judgement

1. This petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 540/2020 registered at Police Station Rajgarh, District Alwar for the offence under Sections 143, 323, 341, 354 IPC.
2. Heard Learned counsel for both the sides and perused the material available on record.
3. Learned counsel for the petitioners submits that the present FIR has been lodged against the petitioners with totally false and fabricated allegations as a counterblast to earlier FIR lodged by the petitioners side. This FIR has been registered only to compel the petitioners to settle the dispute. The Investigating Agency is not conducting the investigation in fair and impartial manner. Therefore, FIR deserves to be quashed and in the alternative further investigation in the matter should be stayed and the petitioners should be granted interim protection from any sort of coercive action.
4. Learned Public Prosecutor submits that appropriate directions may be issued.
5. 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.

6. Therefore, in light of above legal position, it is not appropriate to stay the investigation in the matter, however, having regard to the above

submissions but without expressing any opinion on merits, it is directed that the investigation shall continue and the petitioners shall join the investigation

and shall appear before the Investigating Officer on or before 12.01.2021, as and when they are called upon to do so, but they shall not be arrested

without prior notice of seven days.

7. Learned Public Prosecutor is directed to call for the Status Report of the investigation.

8. List the matter on 02.02.2021.