
(2021) 01 RAJ CK 0283

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 5922 Of 2020

Dhanpati And Ors

APPELLANT

Vs

State Of Rajasthan And Anr.

RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 420

Citation : (2021) 01 RAJ CK 0283

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Dharmendra Joshi, Arvind Bhadu

Judgement

1. This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.920/2020 registered at Police Station Behror, District Bhiwadi, Alwar

for the offences under Sections 420 and 120-B 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 impugned FIR has been lodged with totally false and fabricated allegation of selling disputed

land by the petitioners despite stay order of S.D.O. but the fact remains that the so-called stay was vacated at the time of transaction, thus no case is

made out. The FIR deserves to be quashed. Therefore, 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. Since the contents of FIR prima facie constitute cognizable offence, the other 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 18.01.2021 and as and when they are called upon to do so. After completion of

investigation, the police report (Challan/FR) shall be presented before the concerned Court. However, the petitioners shall not be arrested without

prior notice of seven days.

7. It is made clear that in case the accused petitioners fail to join the investigation, the Investigating Officer shall be free to arrest them forthwith, if so required subject to bail order, if any.

8. Learned Public Prosecutor is directed to call for the status report of the investigation.

9. List the matter on 09.02.2021.