

**(2020) 12 RAJ CK 0073**

**In the Rajasthan High Court**

**Case No :** Criminal Miscellaneous (Petition) No. 3208 Of 2020

Gajanand Saini And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

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**Date of Decision :** 14-12-2020

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 482  
Indian Penal Code, 1860 — Section 323, 447, 504  
Scheduled Castes And the Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —  
Section 3(1)(f), 3(2)(va)

**Citation :** (2020) 12 RAJ CK 0073

**Hon'ble Judges :** Satish Kumar Sharma, J

**Bench :** Single Bench

**Advocate :** H.K. Sharma, F.R. Meena

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## **Judgement**

1. This Petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.442/2019 registered at Police Station Karauli for offences under

Sections 447, 323, 504 IPC and Sections 3(1)(f) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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 against the petitioners with totally false and fabricated

allegations, which deserves to be quashed. The further investigation of FIR should be stayed and the petitioners should be granted interim protection

from any sort of coercive action.

4. Issue notice, returnable within two weeks.

5. Learned Public Prosecutor accepts notice on behalf of the State.

6. It is well settled legal position as expounded by the Hon'ble Supreme Court of India in State of Haryana Vs. Bhajan Lal [1992 (supp) 1 SCC 335]

that an FIR can only be quashed if the contents of FIR do not constitute cognizable offence or the same has been lodged for abuse of process, but the

alleged abuse of process can only be disclosed by 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 for protection of his/ her personal liberty.

7. Therefore, 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, as and when they are called upon to do so, but the petitioners shall not be arrested without prior notice of seven days.

8. Learned Public Prosecutor is directed to call for the case diary along with status report of the investigation. He is also directed to inform the

complainant about filing of this petition.

9. List the matter on 15-1-2021.