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**(2019) 09 RAJ CK 0040**

**In the Rajasthan High Court**

**Case No :** Criminal Miscellaneous (Petition) No. 595 Of 2019

Gurjeet Singh @ Gurmeet Singh

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

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**Date of Decision :** 05-09-2019

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 482

**Citation :** (2019) 09 RAJ CK 0040

**Hon'ble Judges :** Dr. Pushpendra Singh Bhati, J

**Bench :** Single Bench

**Advocate :** LD Lakhara, DS Thind, Mahipal Vishnoi

**Final Decision :** Disposed Off

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## **Judgement**

1. Petitioners have preferred the present misc. petition under Section 482 of Cr.P.C. claiming the following relief :-

"Therefore, it is most humbly and respectfully prayed that his criminal misc. petition may kindly be allowed and FIR NO.575/2016 of Police Station, Anoopgarh, District Sri Ganganagar may kindly order to be quashed qua the petitioner to secure the ends of justice."

2. Learned counsel for the petitioner submits that a compromise has happened between the petitioner and the respondent No.2.

3. This Court has granted many opportunities to the petitioner to appear before the concerned investigating officer to get the compromise verified since 05.02.2019 on various dates but due to non-availability of the petitioner, the compromise is yet to be verified.

4. Learned counsel for the petitioner, however, submits that the petitioner wants to submit a representation alongwith all the relevant documents before the concerned investigating authority to redress the issue.

5. Learned Public Prosecutor assures this Court that if the petitioner submits a

representation along with all the necessary documents before the concerned investigating authority within a period of ten days from today, then the same shall be considered and decided strictly in accordance with law, before completing the investigation.

6. In light of the aforesaid assurance given by learned Public Prosecutor, the present misc. petition is disposed of with a direction to the concerned investigating authority that in case the petitioner submits a representation along with all the necessary documents before it within a period of ten days from today, then the same shall be considered and decided before completing the investigation, strictly in accordance with law and as per the assurance given by the learned Public Prosecutor.

7. In the peculiar facts of the case, it would be appropriate to grant protection from arrest to the petitioners as it will be a waste of energy and resources of the Police Department to run after the accused to complete the related investigation and without protection it would also cause un-necessary hardship to the accused, who deserves a basic opportunity of explaining his case before the Investigating Authority without fear of arrest. The Investigating Officer, however, shall have the liberty of custodial interrogation after giving 15 days' notice before arrest if required. In the interest of justice and the facts and circumstances noted by this Court, the limited protection is justified. Therefore, if during the investigation, the concerned investigating authority needs to arrest the petitioner, then the petitioner shall be given 15 days' notice before making such arrest. The petitioner shall be required to join the investigation. The petitioner shall be at liberty to approach this Court again, in case need arises. The stay petition also stands disposed of.