

(2020) 07 RAJ CK 0146

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 1802 Of 2020

Himanshi Kushwaha

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 07-07-2020

Acts Referred:

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

Citation : (2020) 07 RAJ CK 0146

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Rajveer Sharma, Arvind Bhadu

Final Decision : Dismissed

Judgement

1. This petition has been filed under Section 482 CrPC for quashing of FIR No. 702/2019, registered at Police Station Bhiwadi, District Bhiwadi for offence under Section 323, 341 I.P.C.

2. Heard learned counsel for both the sides and perused the material made available on record.

3. Learned counsel for the petitioner submits that with FIR No. 997/2019 has been registered at Police Station Quarsi, District Aligarh, Uttar Pradesh

in connection with the same incident. As per the judgment of Hon'ble Supreme Court in Sudhir V/s State of Madhya Pradesh [AIR 2001 SC 826]the

cases registered in connection with same incident cannot be allowed to be tried by different Courts. Accordingly, investigation also cannot be allowed

to continue in different Police Stations for the same incident. Hence, the impugned FIR deserves to be quashed or alternatively the investigation of

both the cases may be transferred to Aligarh or from Aligarh to Bhiwadi.

4. Learned Public Prosecutor has vehemently opposed the petition with the submissions that both the cases are of different nature. The allegations of

FIR constitutes the cognizable offence and investigation is going on. Investigation from one State to another cannot be transferred by this Court under

Section 482 CrPC. No case is made out for quashing of FIR. The petition deserves to be dismissed.

5. Heard. Considered.

6. Without expressing any opinion on the merits of the case, suffice it to say that the allegations mentioned in the impugned FIR constitute a

commission of cognizable offence. Investigation is going on. Thus, no condition stands fulfilled for quashing of FIR laid down in *Bhajan Lal V/s State of*

Haryana [1992 (supp)1 SCC 335]. However, the petitioner is at liberty to put forth her contentions/ objections before the concerned authorities

regarding maintainability of investigation whereupon appropriate decision may be taken by the authorities concerned but no direction for transfer of

investigation can be issued by this Court.

7. The judgment cited by learned counsel for the petitioner relates to the trial of cross cases whereas this case is at the stage of investigation and

suitable decision regarding investigation is to be taken by the investigation authorities.

8. In view of the above, no case is made out for interference by this Court under Section 482 CrPC. Therefore, the petition is hereby dismissed.