

(2021) 01 RAJ CK 0261
In the Rajasthan High Court
Case No : Criminal Writ Petition No. 905 Of 2020

Lalit Sharma

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 406, 420

Citation : (2021) 01 RAJ CK 0261

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Ajay Singh, Ramesh Chaudhary

Judgement

1. This petition has been filed under Article 226 of the Constitution of India for direction to the respondents to investigate the matter in fair and impartial manner of FIR No. 156/2019 registered at Police Station Ganj Police Station, District Ajmer for the offences under Sections 406 & 420 IPC.
2. Heard learned counsel for both the sides and perused the material made available on record.
3. Learned counsel for the petitioner submits that the petitioner lodged FIR on 14.06.2019 but no effective steps have been taken by the Investigating Officer till date under the influence of accused persons. Ample evidence has been provided to the investigating Officer. The accused persons have cheated so many persons and have committed fraud with banks also still no effective steps are being taken despite repeated request/ representation by the petitioner. Therefore, either the investigation should be transferred to SOG or CBI or to ensure fair, effective and impartial investigation in a time bound manner.

4. Learned Additional Government Counsel submits for appropriate directions.
5. Heard. Considered.
6. It is well settled legal proposition as expounded in P. Chidambaram Vs. Directorate of Enforcement [(2019) 9 SCC 24] that the investigation is in the domain of the Investigating Officer and the Courts are not supposed to interfere in the investigation, however, it is imperative on his part to conduct the investigation strictly in accordance with law, in fair and impartial manner, without being influenced by any extraneous consideration.
7. Therefore, having regard to the above submissions and keeping in view the material available on record, but without expressing any opinion on merits, the petition is disposed of with the direction to the concerned Superintendent of Police to ensure that investigation in this matter be conducted strictly in accordance with law in fair, impartial and effective manner, and the same be concluded expeditiously preferably within three months.
8. A copy of this order under seal and sign of the Court Master be provided to Public Prosecutor for further transmission and compliance.