
(2006) 12 RAJ CK 0027

In the Rajasthan High Court

Case No : Civil Writ Petition No. 6573 of 2006

Madan Lal and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-12-2006

Acts Referred:

Citation : (2007) 1 WLN 344

Hon'ble Judges : Rajesh Balia, J;Gopal Krishan Vyas, J

Bench : Division Bench

Judgement

Rajesh Balia, J.—Having heard learned Counsel for the petitioners and perused the material placed before us, we do not find any reason to invoke extraordinary jurisdiction in respect of the subject-matter of another writ petition earlier filed in relation to certain relief claimed to be in public interest, being D.B. Civil Writ Petition No. 5008/2005. The Court, in that writ petition, noticed that as per the internal audit of Public Health Engineering Department misappropriation to the tune of Rs. 65,80,000/- for the period October, 2001 to September 2003 was pointed out but nothing has been done in the matter. The Court opined that in such matters instead of going on making inquiry to identify the culprits for indefinite period of time regular criminal cases should have been instituted after the facts of misappropriation came to light so that whosoever is found to be guilty and responsible for such misappropriation may be brought to book. Consequently, the Court directed that:

We are thus of the view that it is high time that respondents do file regular criminal case in respect of acts of commissions and omissions of ? What has come to be known as diesel scam at Sardarshahar, district Churu on the basis of facts coming to their notice forthwith, and take the case to its logical end. Accordingly, FIR(s) be instituted within three weeks.

In pursuance of the aforesaid directions, FIR No. 169/2006, P.S. Sardarshahar was submitted for investigation into the commission and omission resulting in misappropriation and investigation in that regard is in progress.

2. The petitioners, 2 in number, have filed this writ petition seeking a mandamus/ direction that further investigation in connection with involvement of the petitioners in FIR No. 169/2006, P.S. Sardarshahar be not conducted by referring to certain material that has come before the investigating agency.

3. It is premature for this Court to say before the completion of the investigation by the investigating agency about the involvement or noninvolvement of the persons who may be held ultimately responsible as a result of such investigation. The writ petition is devoid of any merit.

4. Consequently, the writ petition is dismissed. This is, however, no reflection about the merit of the petitioner's involvement, which ultimately rests on the material collected during the investigation.