

(2013) 09 RAJ CK 0194

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 3212 of 2011

Mohammad Vakil @ Kalu

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 25-09-2013

Acts Referred:

Citation : (2013) 09 RAJ CK 0194

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Advocate : A.N. Khan, for the Appellant; Laxman Meena, Public Prosecutor for the Respondent No. 1-State, for the Respondent

Final Decision : Dismissed

Judgement

Narendra Kumar Jain-II, J.—This misc. petition u/s 482 Cr.P.C. has been filed by the petitioner praying that FIR No. 105/2010 registered at Police Station Madanganj, District Ajmer for the offences u/s 498A IPC and the proceedings arising out of the aforesaid FIR vide Criminal Case No. 105/2010 pending before the Additional Chief Judicial Magistrate, Kishangarh, District Ajmer may be quashed and set aside. Learned Public Prosecutor has submitted that it is admitted fact that after due investigation, the police has submitted the charge sheet before the competent court in the present matter.

2. Heard learned counsel for the petitioner as well as learned Public Prosecutor appearing on behalf of the Respondent No. 1-State and perused the material placed on record.

3. A bare perusal of the impugned FIR would go to show that prima facie offence has been made out. It is settled law that on taking the contents of the FIR on its face value, if it discloses commission of cognizable offence, then the FIR should not be quashed. The truthfulness of the FIR or otherwise allegations made in the FIR could not be gone into at this stage and right to prove the case could not be denied by quashing the FIR.

4. It is indeed trite to state that jurisdiction u/s 482 Cr.P.C. for interfering with the FIR is extremely limited one. In catena of decisions, the Hon''ble Apex Court has held that the Court should take the FIR as the truth for the time being. In case the ingredients of the alleged offences are prima facie made out, then the Court should not interfere with the FIR. As the investigation is arena of the police, the veracity of the FIR can be investigated only by the police, therefore, while exercising it's jurisdiction u/s 482 Cr.P.C. the High Court should refrain from entering into the said arena. Furthermore, while exercising its powers u/s 482 Cr.P.C. at the initial stage of investigation, the High Court is not permitted to consider the evidence, which may be produced by the defence during the course of the trial. At the initial stage, when the investigation is in progress, to enter into the defence would be a premature stage. Therefore, the High Court should be weary of interfering with the investigation and in quashing the FIR at the outset.

5. Having considered the submissions made by learned counsel for the petitioner as well as learned Public Prosecutor and upon careful perusal of the material placed on record, I find no ground to allow the prayer of the petitioner to quash and set aside FIR No. 105/2010 registered at Police Station Madanganj, District Ajmer for the offences under Sections 498A IPC and the proceedings arising out of the aforesaid FIR vide Criminal Case No. 105/2010 pending before the Additional Chief Judicial Magistrate, Kishangarh, District Ajmer and no interference in the same can be made by this Court under it's inherent jurisdiction u/s 482 Cr.P.C.

6. Consequently, the misc. petition u/s 482 Cr.P.C., being devoid of merits fails and the same is hereby dismissed. Since misc. petition filed u/s 482 Cr.P.C. has been dismissed, therefore, the stay application also stands dismissed.