

(2019) 11 RAJ CK 0088
In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 6999 Of 2019

Priyanka Sharma

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 08-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 482

Citation : (2019) 11 RAJ CK 0088

Hon'ble Judges : Prakash Gupta, J

Bench : Single Bench

Advocate : Sultan Singh Kuri , F.R. Meena

Final Decision : Disposed Of

Judgement

1. Petitioner has preferred this Criminal Miscellaneous Petition seeking fair investigation in FIR No.439/2019 registered at Police Station Ringus, District Sikar.

2. From perusal of the record, it is revealed that statement of prosecutrix has been recorded under Section 164 Cr.P.C. Proper course available to the petitioner is to approach the concerned Magistrate and inquire about the progress of the investigation.

3. Apex Court in ""Sakiri Vasu vs. State of U.P. & Ors. AIR 2008 SC Page 907 ""has held that the Judicial Magistrate has very wide powers to

enquire about the investigation and for monitoring the investigation to ensure that the investigation is done properly. Apex Court has further observed

that the High Court should discourage the practice of filing Writ Petitions or petitions under Section 482 Cr.P.C. simply because a person has a

grievance that investigation has not been done properly by the Police. For this grievance, the remedy lies before the Magistrate concerned.

4. In view of the above, I am not inclined to entertain the misc. petition, the same is disposed of. Stay application stands disposed.

5. However, petitioner would be free to approach the concerned Magistrate to inquire about the filing of the report.