
(2018) 12 RAJ CK 0153

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition)No. 4354 Of 2018

Ranjeet Singh Mehta And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 10-12-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 420, 467, 468, 498A

Citation : (2018) 12 RAJ CK 0153

Hon'ble Judges : Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Yogendra Singh Chauhan, Pradeep Shah, Ms Panwar

Judgement

1. The Petitioners have preferred this misc. petition under Section 482 of Cr. P.C. for quashing of FIR No.13/2018 lodged at P.S. Mahila Thana, Dungarpur for the offence under Sections 498-A, 467, 468 and 420 IPC

2. Counsel for the petitioner submits that soon after marriage respondent no.2 moved alongwith her husband to United States, whereas the petitioners, who are in-laws of complainant, continue to reside in India. Counsel for the petitioner has shown record of Circuit Court of the 11th Judicial Circuit in and For Miami-Dade, Florida dated 21.7.2015, which reflects litigation between husband and wife in USA and it has been held by the learned court of Florida that the marriage has irretrievably broken down. Moreso, counsel for the petitioner submits that FIR impugned has been lodged after a gross delay on 25.9.2018.

3. Counsel for the petitioner submits that the petitioner wants to submit a representation alongwith all the relevant documents before the concerned investigating authority to redress their issue.

4. Learned Public Prosecutor assures this Court that if the petitioners submit a representation alongwith all the necessary documents before the concerned investigating authority within a period of ten days from today, then the same

shall be considered and decided strictly in accordance with law, before completing the investigation.

5. In light of the aforesaid assurance given by learned Public Prosecutor, the present misc. petition is disposed of with a direction to the concerned investigating authority that in case the petitioners submit a representation alongwith all necessary documents before it within a period of ten days from today, then the same shall be considered and decided before completing the investigation strictly in accordance with law and as per the assurance given by learned Public Prosecutor.

6. In the peculiar facts of the case, it would be appropriate to grant protection from arrest to the petitioners as it will be a waste of energy and resources of the Police Department to run after the accused to complete the related investigation and without protection it would also cause un-necessary hardship to the accused, who deserves a basic opportunity of explaining their case before the Investigating Authority without fear of arrest. The Investigating Officer, however, shall have the liberty of custodial interrogation after giving 15 days' notice before arrest if required. In the interest of justice and the facts and circumstances noted by this Court, the limited protection is justified. Therefore, if during the investigation, the concerned investigating authority needs to arrest the petitioners, then the petitioners shall be given 15 days' notice before making such arrest. The petitioners shall be required to join the investigation. The petitioners shall be at liberty to approach this Court again, in case need arises.