

(2024) 05 RAJ CK 0057

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 2915 Of 2024

Rekha Kanwar

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 08-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41A, 482
Indian Penal Code, 1860 — Section 380, 457

Citation : (2024) 05 RAJ CK 0057

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Jitendra Singh Gaur, Arun Kumar

Final Decision : Disposed Of

Judgement

Kuldeep Mathur, J

The instant criminal misc. petition under Section 482 Cr.P.C. has been preferred by the petitioner for quashing of the FIR No.158/2024 registered at Police Station Subhashnagar, Bhilwara for the offences under Sections 457 and 380 IPC.

Heard learned counsel for the petitioner and learned Public Prosecutor.

Looking to the nature of allegations levelled in the FIR, this Court is not inclined to quash the impugned FIR.

However, looking to the fact that the offences alleged to have been committed by the petitioner are triable by a court of Magistrate and keeping in mind the provisions contained in Section 41A Cr.P.C. as well as the judgment passed by Hon'ble the Supreme Court in the case of Arnesh Kumar vs. State of Bihar, reported in AIR 2014 SC 2756 squarely apply, the Investigating Officer shall adhere to the aforesaid legal provisions as well as the precedent law and shall not effect the arrest in routine manner and before effecting the arrest, the Investigating Officer shall issue a prior notice to the petitioner under Section 41A

Cr.P.C.

With the aforesaid direction, the misc. petition as well as stay application are disposed of.