
(2022) 02 RAJ CK 0086

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous (Petition) No. 7063 Of 2021

Rubiya Bano

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 18-02-2022

Acts Referred:

Indian Penal Code, 1860 — Section 323, 406, 498A
Dowry Prohibition Act, 1961 — Section 4

Citation : (2022) 02 RAJ CK 0086

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : A.S.Rathore, Arun Kumar

Final Decision : Dismissed

Judgement

Sandeep Mehta, J

The instant miscellaneous petition has been filed by the petitioner seeking direction for conducting fair investigation of the FIR No.78/2021 registered at the P.S. Mundwa, District Nagaur for the offences under Sections 498A, 406, 323 I.P.C. and Section 4 of Dowry Prohibition Act, 1961.

The petitioner submitted an F.I.R. against certain persons named in the F.I.R. for the aforesaid offences but according to the petitioner, the police authorities have not taken any action against the accused persons.

This Court is of the opinion that in view of the observations made and directions issued by the Hon'ble Apex Court in the case of Sakiri Vasu Vs. State of U.P., AIR 2008 SC 907, no person can be encouraged to directly approach this Court for seeking direction of fair investigation and if he is aggrieved of any lack of action by the police as regards the FIR which has been filed by him/her, the appropriate course of action for the aggrieved person is to approach the Magistrate having jurisdiction, who can call for the report from the Investigating Officer and also instruct the Investigating Officer to investigate the matter fairly. If the petitioner

is aggrieved by any inaction of the police, then she should move to the appropriate Court in accordance with the directions issued by the Apex Court in the aforesaid judgment. Thereafter the trial court shall call for the report from the I.O. and issue appropriate direction in consonance with the view expressed by the Hon'ble Apex Court.

Resultantly, the miscellaneous petition being bereft of any force, is dismissed. The stay petition also stands dismissed.