

**(2020) 02 RAJ CK 0659**

**In the Rajasthan High Court**

**Case No :** Criminal Miscellaneous (Petition) No. 34 Of 2020

Sunil Choudhary

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

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**Date of Decision :** 05-02-2020

**Acts Referred:**

Indian Penal Code, 1860 — Section 302, 308, 323, 341, 427  
Code Of Criminal Procedure, 1973 — Section 482

**Citation :** (2020) 02 RAJ CK 0659

**Hon'ble Judges :** Pankaj Bhandari, J

**Bench :** Single Bench

**Advocate :** Manoj Sheoran, Bhanu Prakash Sharma, Ramesh Choudhary

**Final Decision :** Disposed Of

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## **Judgement**

1. Petitioner has preferred this misc. petition seeking fair investigation.
2. Learned Public Prosecutor has submitted the report, which is taken on record.
3. As per the report, after filing of the FIR one of the injured has expired and Section 302 of IPC was added. As per the factual report submitted by Police on 20.12.2019, the matter is under investigation.
4. It is contended by learned counsel for the petitioner that as per the latest factual report, which is filed on 05.02.2020, Police has come to the conclusion that offence under Sections 341, 323, 308 and 427 IPC is found to be made out against Praveen Kumar Choudhary. It is also contended that the matter is still at the stage of investigation.
5. 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.

6. In view of the judgment of Apex Court, I am not inclined to entertain the misc. petition, the same is accordingly disposed of.

7. However, petitioner would be free to approach the concerned Magistrate to inquire about the progress of the investigation.