
(2020) 07 RAJ CK 0078

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 2116 Of 2020

Tarun @ Pannu

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 154, 162, 174, 482
Indian Penal Code, 1860 — Section 201, 302

Citation : (2020) 07 RAJ CK 0078

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Ankur Sidhar, Ashish Nagarwal, F.R. Meena

Final Decision : Dismissed

Judgement

1. This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.55/2019 registered at Police Station Tahangazi District Alwar for the offences under Sections 302 and 201 IPC.

2. Heard learned counsel for both the sides and perused the material made available on record.

3. Learned counsel for the petitioner submits that the petitioner is quite innocent. He has been falsely involved in the case. The FIR in question has

been registered on the basis of inquest report which is quite against the due procedure. The material collected in connection with inquest proceedings

under Section 174 Cr.P.C. is hit by Section 162 Cr.P.C. No report has been given by former Sarpanch or any other person, who were present at the

time of inquest proceedings. No preliminary enquiry is permissible in cognizable offence. The scope of inquest proceeding under Section 174 Cr.P.C.

is very limited to ascertain the cause of unnatural death, whereas in this case the

material part of investigation has been completed in inquest proceedings, which is contrary to law. The ingredients of Section 154 Cr.P.C. are missing in this case. There is no iota of evidence, which can connect the petitioner with the crime. There has been no motive or other reason whatsoever which can be attributed to the petitioner. This is a clear case of abuse of process. The petition deserves to be allowed. Learned counsel for the petitioner has placed reliance on judgments in the case of T.T.

Antony Vs. State of Kerala [2001 AIR (SC) 2637,] Vijaypal Singh Vs. The State of Rajasthan [2013(1) WLC 519]M, /s. Jai Padmavati Automobile

Finance Vs. The Police Inspector & Others [2015(4) Bom. C.R. (Cri)719,]Ramesh Baburao Devaskar Vs. State of Maharashtra [2007(4) RCR

(Criminal) 671], Subramani Vs. State [2001(1) RCR (Criminal) 639,] Vijay Singh Yadav Vs. Om Prakash [2018(1) Raj Cri C 139],G anesh Bhavan

Patel Vs. State of Maharashtra [1979 AIR (SC) 135,] Babu Rain Vs. The State of Rajasthan [1994(1) RLW 287] and Mahesh Gupta Vs. State of

Rajasthan [2012(1) Cri.L.R. (Raj.) 333].

4. Learned Public Prosecutor has vehemently opposed the petition with the submission that this legal position cannot be disputed that if in inquest

proceedings, commission of cognizable offence is detected, criminal case can be registered and proceeded with. In this case ample evidence is

available which prima facie connects the accused petitioner with the crime. All proceeding in this matter have been conducted in lawful manner

without any prejudice or malafides. There is no reasonable ground for interference in investigation.

5. Heard. Considered.

6. It is not desirable to meticulously analyse the intricacies pointed out by the learned counsel for the petitioner. Suffice it to say that initially the inquest

proceedings have been conducted by the police, in which it was found that the death of the deceased was not accidental. On the basis of post mortem

report of deceased, injury report of the accused petitioner Tarun, and other material the accused petitioner Tarun was prima facie found responsible

for murder of the deceased Deependra Nehra. Motive of murder has also been attributed to the petitioner. He filed anticipatory bail before the trial

court, which was dismissed with the findings that prima facie case of Section 302 and 201 IPC has been made out against the petitioner. Afterwards

he filed anticipatory bail application before this court, which was also dismissed as withdrawn.

7. It is well settled legal position that in cognizable offence FIR can be registered on receipt of information furnished by any one, including the police

officer. The contention of the learned counsel for the petitioner cannot be held to be correct that on the basis of inquest report no FIR for cognizable

offence can be registered. If during the process of inquest under Section 174 Cr.P.C. it is found that unnatural death is not accidental and cognizable

offence is committed, then there is no legal impediment to register a criminal case and set the machinery of criminal justice system into motion. The

legal position propounded in all the judgments, relied upon by the counsel for the petitioner, cannot be disputed but in any of them no such FIR has

been held to be illegal or unsustainable, which was registered on the basis of information collected during inquest proceedings. Hence, they are not of

any help to the petitioner.

8. Investigation in this case is underway. The petitioner is at liberty to put forth his defence at appropriate forum as per law. This is not a case of

abuse of process. Therefore, without expressing any opinion on merits of the case, this court does not find it a fit case for interference under Section

482 Cr.P.C. Resultantly, the petition is dismissed.