
(2019) 01 RAJ CK 0006

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 2968, 4535 Of 2018

Vimal Dharu

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 02-01-2019

Acts Referred:

Indian Penal Code, 1860 — Section 341, 323 Scheduled Caste And Scheduled Tribe
(Prevention Of Atrocities) Act, 1989 — Section 3(1)(s)

Citation : (2019) 01 RAJ CK 0006

Hon'ble Judges : Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Ram Prasad Singaria, Muktesh Maheshwari, Manas Khatri, M.S.
Panwar

Judgement

1. Both these misc. petitions i.e. CRLMP 4535/2018 & 2968/2018 are arising out of one and the same FIR, being FIR No.40/2018, Police Station Napasar, District Bikaner lodged for offence under Sections 323, 341 & 341 IPC and Section 3(1)(s) of SC/ST Act, 1989. CRLMP No.4535/2018 is for fair and impartial investigation in the said FIR, whereas CRLMP No.2968/2018 is for quashing the FIR.
2. Counsel for accused submits that in pursuance of earlier order passed by this Court they have already submitted themselves for investigation, which is going on.
3. Counsel for the complainant submits that investigation is going on and respondent-State may be directed to conduct the investigation fairly.
4. Since both these petitions pertains to the same FIR, this Court while disposing of both aforesaid misc. petition deems it just and proper to direct Investigating Officer to consider the representation of both the parties (complainant as well as the accused) while completing the investigation. If during the investigation, the concerned investigating authority needs to arrest the accused-petitioners, then

the accused persons shall be given 15 days' notice before making such arrest. The accused persons shall be required to join the investigation. The petitioners shall be at liberty to approach this Court again, in case need arises.