



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2772/2024

Kailash Tolani S/o Sh. Nathumal Tolani, Aged About 62 Years, R/
o 9/811, Chopasni Housing Board, Ps Devnagar, Jodhpur West.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Commissioner Of Police, Jodhpur
3. Sho, Ps Devnagar, Dist Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Aziz Khan

For Respondent(s) : Mr. Mohd. Javed Gouri, PP

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

29/07/2024

1. Dissatisfied with the progress and manner of the investigation, the petitioner seeks issuance of directions to the respondents to conduct a fair inquiry/investigation regarding FIR No.0084/2023 dated 07.03.2023 registered at Police Station Devnagar, Jodhpur Metropolitan, under Sections 420, 406 and 120-B IPC.

2. Learned counsel for the petitioner also argues that the investigating agency is not proceeding in a fair and just manner and is intentionally stalling the investigation after registration of FIR.

3. Whereas, learned Public Prosecutor appears on service of advance copy of the petition and accepts notice on behalf of the



State. He opposes the petition arguing that matter is at investigation stage and law will take its own course.

4. I am unable to agree with the counsel for the petitioner. The investigation is still at a very nascent stage, and the petition appears to have been filed prematurely without awaiting its outcome.

5. Even otherwise, in my opinion, the petitioner ought to have availed of other available legal remedies for redressal of his grievance before approaching this Court. Ordinarily, in cases of grievances arising from unfair or improper investigation of an FIR, the aggrieved person can seek recourse by approaching a superior police officer as per Section 36 Cr.P.C. If the grievance remains unaddressed, one can then approach a Magistrate of competent jurisdiction under Section 156(3) Cr.P.C., who can order an investigation and submission of a report by the police. Additionally, an aggrieved party can choose to file a criminal complaint before the competent Court. if so advised. Reference may also be had to Apex Court judgment in ***Sakiri Vasu versus State of U.P. and Others***¹.

6. In the premise, instant petition is disposed of with liberty to approach the appropriate forum for redressal of grievance, as aforesaid.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA),J

74-skm/-

1 2008 (2) SCC 409