



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

S.B. Criminal Misc(Pet.) No. 8225/2024

Om Prakash S/o Jodha Ram, Aged About 30 Years, Presently
Sarpanch, Gram Panchayat Jawala, Tehsil Parbatsar, Dist.
Deedwana - Kuchaman (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Raju Ram Barala S/o Hardeen Ram, R/o Village Kurada,
Police Station Peelwa, Dist. Deedwana-Kuchaman (Raj.)

-----Respondents

For Petitioner(s) : Mr. J.S. Choudhary, Sr. Advocate
assisted by Mr. Pradeep Choudhary
For Respondent No.1 : Mr. Vikram Singh Rajpurohit, Dy.GA

HON'BLE MR. JUSTICE FARJAND ALI

Order

21/11/2024

1. The instant criminal misc. petition has been filed under Section 528 BNSS by the petitioner seeking quashing of FIR No.148/2024 registered at Police Station Peelwa, District Deedwana Kuchaman for the offences under Sections 189(2), 115(2), 126(2) and 307 of BNS.
2. Heard learned counsel for the parties and perused contents of the FIR so also the other relevant material as made available to this Court particularly the footage of video available in the mobile phone of learned counsel for the petitioner.
3. Upon watching the video, it is evident that the petitioner was not present on the spot and this fact can also be corroborated by the last line of the FIR, in which the complainant/respondent



No.2 has alleged that some persons made an assault upon him under the instruction of the petitioner, who is a Sarpanch holding of Office of Gram Panchayat Jawla, Tehsil Parbatsar, District Deedwana Kuchaman.

4. It is contended that only with a view to maligne his reputation and ruin his political career, his rivalries have dragged his name in the mire and mud of the controversy.

5. *Prima facie*, this Court feels that since a bare perusal of the FIR revealing commission of cognizable offence and the investigation has to be conducted; however, at the same time, it is felt that in present era, when it is rampant in between the political rivalries to drag the name of their opponent in a case with an oblique object to get damage to their political career and, thus, it is deemed appropriate to disposed of this criminal misc. petition with a direction to the police to conduct fair, impartial and expeditious investigation in this matter.

6. It is, therefore, directed that the petitioner shall submit a representation to the concerned Superintendent of Police along with all documents on which he places reliance. The concerned Superintendent of Police is expected to consider the averments made in the representation and shall instruct the Investigating Officer of this case to conduct fair and impartial investigation and do all the needful to bring on record the truth, whereafter submit the result of the investigation as expeditiously as possible. The concerned Superintendent of Police shall also personally monitor the investigation.



7. It is further directed that during the entire course of investigation, the petitioner shall not be arrested in connection with the FIR No.148/2024 registered at Police Station Peelwa, District Deedwana Kuchaman, since the judgment passed by Hon'ble the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar & Anr.** reported in **AIR 2014 SC 2756** is squarely applicable. However, if, after investigation, any offence is found proved against the petitioner, then instead of affecting arrest at once, a prior notice of 1 month shall be given to him so that he may exercise his legitimate rights.

8. Accordingly, the criminal misc. petition as well as stay petition are disposed of.

(FARJAND ALI),J

Abhishek Kumar
S.No.371