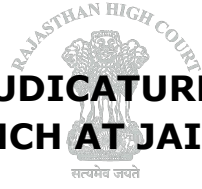




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No.10426/2022

1. Gangasahay S/o Shrinarayan Sharma, Resident Of Village Deladi, Police Station Kolwa, Tehsil Baswa, District Dausa (Rajasthan).
2. Sarita Sharma W/o Gangasahay Sharma, Resident Of Village Deladi, Police Station Kolwa, Tehsil Baswa, District Dausa (Rajasthan).
3. Bharatlal Sharma S/o Gangasahay Sharma, Aged About 17 Years, (Petitioner No. 3 Minor Through His Natural Guardian/Father Gangasahay Sharma) Resident Of Village Deladi, Police Station Kolwa, Tehsil Baswa, District Dausa (Rajasthan).

----Petitioners

Versus

1. State Of Rajasthan, Through P.P.
2. Ganpat Lal Sharma Son Of Shri Laduram Sharma, Resident Of Village Deladi, Police Station Kolwa, Tehsil Baswa, District Dausa (Rajasthan).

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 5719/2021

Ganpat Lal Sharma S/o Shri Laddhuram, Aged About 30 Years, Resident Of Deladi Baswa, Kolwa, District Dausa, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor. (P.P.)
2. Superintendent Of Police (SP), SP Office Dausa, District-Dausa, Rajasthan.
3. SHO, P.S.- Kolwa, Dausa, District Dausa, Rajasthan.
4. Investigating Officer (I.O.) FIR No. 0109/2021, P.S Kolwa, Dausa, District Dausa, Rajasthan.





For Petitioner(s) : Mr. Umesh Vyas
For Respondent(s) : Mr. JS Rathore, PP with
Mr. Gaurav Gupta, Asstt. GA
Ms. Meeta Pareek for
Mr. O.P. Mishra
Mr. Manohar Lal, SI, PS Kolwa,
District Dausa, in person



JUSTICE ANOOP KUMAR DHAND

Order

21/05/2026

1. These two cross misc. petitions have been submitted by the accused as well as by the complainant in the impugned FIR No.109/2021 registered at the Police Station Kolwa, District Dausa for the offences punishable under Sections 365 and 302 IPC.

2. S.B. Criminal Misc. Petition No.10426/2022 has been submitted by the accused petitioners for quashing the impugned FIR, while the S.B. Criminal Misc. Petition No.5719/2021 has been submitted by the complainant for issuing directions to the Investigation Officer for conducting fair and impartial investigation of the case.

3. Perusal of the record indicates that the complainant has submitted a complaint before the Court of Judicial Magistrate, Bandikui against the petitioners-Gangasahay, Sarita, Bharatlal Sharma along with other co-accused person-Shivani Sharma under Section 190 Cr.P.C., wherein allegations have been levelled against the accused persons with regard to the alleged incident of murder of the deceased.

4. Thereafter, the learned Magistrate sent the matter for investigation under Section 156(3) Cr.P.C. to the Police Station



Kolwa, District Dausa, where upon the impugned FIR No.109/2021 was registered for the offences punishable under sections 365 and 302 IPC on 02.08.2021.

5. The petitioners have approached this Court for quashing of the aforesaid FIR on the ground that they are not involved in the instant matter and they are innocent and have not committed any offence whatsoever. There is no evidence to connect them with the alleged incident, but in-spite of the above, the Investigating Officer used to call upon them and compel them to sit in the Police Station for the entire day and release them only in the evening. Hence, the petitioners, feeling humiliated by such conduct of the Investigating Officer, have approached this Court for quashing of the FIR.

6. The complainant has also approached this Court by way of filing S.B. Criminal Misc. Petition No.5719/2021 with a prayer for issuing directions to the Investigating Officer to conduct the investigation in the impugned FIR expeditiously, as the same was registered more than five years ago.

7. This Court on the last occasion directed the Public Prosecutor to instruct the Investigating Officer to remain present before this Court.

8. In pursuance of the aforesaid order, Mr. Manohar Lal, SI, PS Kolwa, District Dausa has put in appearance in person along with case diary and factual report of the investigation conducted so far.

9. The Investigating Officer submits that as per the evidence collected so far, the deceased was last seen in the company of the accused persons. An application was submitted by him for conducting a Polygraph Test of the accused Gangasahay and





Sangeeta before the Court of Judicial Magistrate, Bandikui on 17.10.2022, but the said application has been rejected by the learned Magistrate vide order dated 20.10.2022 on the pretext that both these accused persons have not given their consent for the aforesaid Polygraph Test. Hence, under these circumstances, their Polygraph Test cannot be conducted. He further submits that he needs some more time to conclude the investigation and submit the conclusion report before the concerned Court expeditiously.

10. This Court is not satisfied with the investigation conducted so far by the Investigating Officer. More than five years have passed after registration of the impugned FIR. The Investigating Officer cannot be allowed to keep the investigation pending for an indefinite period and for infinite time. He is supposed to conduct and complete the investigation expeditiously, in terms of the provisions contained under the Code of Criminal Procedure. He is also supposed to submit the conclusion report of investigation either by way of submitting charge-sheet or Final Report (Negative) under Section 173 Cr.P.C.

11. This Court hopes, trusts and believes that the Investigating Officer would conclude the investigation expeditiously and submit the conclusion report before the Court concerned, in terms of Section 173 Cr.P.C.

12. The Superintendent of Police, Dausa is directed to monitor the investigation and ensure that the petitioners are not harassed unnecessarily only on the pretext that their presence is required for interrogation, unless and until there is certain amount of specific evidence against them. In case, interrogation of the





petitioners is required, then the Investigating Officer is granted liberty to interrogate the same, but he cannot be allowed in any case to call the accused persons at the Police Station and compel them to remain there from morning to evening, without being sure about any concrete evidence against them.

13. With the aforesaid observations, both the instant criminal misc. petitions stand disposed of. The stay applications and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

KuD/36-37

