



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



S.B. Criminal Miscellaneous (Petition) No. 246/2024
URN: CRLMP / 577U / 2024

Rajendra Prasad S/o Ramji Lal, R/o Golaheda, Tehsil-Mundawar,
District-Alwar (Rajasthan)



-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Dharm Singh Meena S/o Shri Mohram, R/o Dausa, Circle Inspector, P.s. Mundawar, District Alwar. At Presently, Police Head Quarter, Jaipur.
3. Rajendra Prasad S/o Lal Chand, R/o Maharajwas, Tehsil-Behror, Presently, Police Line, Alwar, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Babu Lal Sharma
For Respondent(s) : Mr. Amit Kumar Gupta-PP
Mr. Abhishek Parashar
Mr. Dhanna Ram

JUSTICE ANOOP KUMAR DHAND

Order

10/07/2026

Reportable

Justice begins with facts and facts come from investigation.

A fair and impartial investigation is the bedrock of justice and it is the foundation of ascertaining correct facts and ensuring proper justice. If the investigation is biased or improper, justice cannot follow.

Therefore every Station House Officer (for short "SHO") and Investigation Officer has a constitutional and legal duty to ensure the investigation to be fair, transparent and based only on evidence. Hence, it is their statutory duty to conduct the investigation without bias, fear or favour and in accordance with law.



The Station House Officers are the unsung heroes of the police force with the critical responsibility of maintaining law and order in their jurisdictional areas. Their dedication, leadership and commitment to justice make them invaluable assets in the criminal justice system. They serve as the custodians of law and order, ensuring a safer and more secure society for all concerned.

The SHO is not just an administrator, he is the captain of the police station. The law requires him to steer the investigation so that it is lawful, timely and aimed at truth – not just closure.

The SHO is the head of the police station. He is responsible for the proper functioning of the police station and for conducting proper investigation. He cannot permit the investigation to be conducted in a callous and casual manner.

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 08.11.2023 passed by the Court of the Additional Sessions Judge, Mundawar, Alwar by which the revision petition submitted by the respondent Nos.2 and 3 has been partly allowed and the cognizance order dated 05.04.2019 so far as it relate to the respondent No. 2- Dharm Singh Meena, for the offences punishable under Sections 166 and 167 IPC, has been quashed.

2. Learned counsel for the petitioner submits that the petitioner met with an accident and sustained grievous injury for which an FIR No. 425/2013 was registered with the Police Station Mundawar, Alwar. Counsel submits that the petitioner sustained fracture on his left leg but inspite of the above, the charge-sheet was submitted against the Driver of the offending vehicle for the offences punishable under Sections 279 and 337 IPC. Counsel



submits that looking to the injuries sustained by the petitioner as well as his X-ray report, the offence under Section 338 IPC was also made out, however, intentionally and deliberately, the charge-sheet was submitted by the Police against the Driver of the offending vehicle for the offences punishable under Sections 279 and 337 IPC only without including Section 338 IPC. Counsel submits that because of the act on the part of the Police, the petitioner has been deprived of getting adequate amount of compensation for the injuries sustained by him. Counsel submits that the aforesaid act of the respondents i.e. the SHO and the Head Constable amounts to an offence punishable under Sections 166 and 167 IPC and that is why cognizance was taken against them for the above stated offences vide order dated 05.04.2019. Counsel submits that the Revisional Court has partly quashed the order of taking cognizance to the extent of the respondent No. 2- Dharm Singh Meena on a technical count that the respondent No. 2 was simply the SHO of the Police Station and he has not conducted the investigation and infact the entire investigation was conducted by the respondent No.3- Rajendra Prasad-Head Constable. Counsel submits that being SHO of the Police Station, the respondent No. 2 was duty bound to look into the matter as to whether the investigation was done by the respondent No. 3 in a proper manner or not but without discharging his legal obligation, he has submitted the charge-sheet solely based on the investigation report furnished by the respondent No.

3. Hence, both the respondent Nos. 2 and 3 are equally liable and responsible for the offences punishable under Sections 166 and 167 IPC, but this fact has been totally overlooked by the



Revisional Court below while quashing the cognizance order qua the respondent No. 2. Hence, interference of this Court is warranted.

4. Per contra, learned Public Prosecutor as well as counsel appearing on behalf of the respondent No. 2 opposed the arguments raised by counsel for the petitioner and submitted that the investigation was not conducted by the respondent no. 2 (SHO) rather the same was conducted by the respondent No. 3—Rajendra Prasad- Head Constable and the respondent No.2-Dharm Singh Meena has simply submitted the charge-sheet prepared by the respondent no. 3 and therefore, he had no mens rea or ill motive while submitting the charge-sheet against the Driver of the offending vehicle under Section 338 IPC. Hence, under these circumstances, no case is made out against him for the offences punishable under Sections 166 and 167 IPC. He submits that considering the overall facts and circumstances of the case, the Revisional Court has rightly quashed the cognizance order qua the respondent No. 2 by passing a reasoned and cogent order, which does not require any interference of this Court and the instant petition is liable to be rejected.

5. Heard and considered the submissions made at Bar and perused the material available on record.

6. Fair trial and fair investigation are part of the constitutional rights guaranteed under Articles 20 and 21 of the Constitution of India. Therefore, the minimum requirement of rule of law is that the investigation must be fair, transparent and judicious. The investigating agency cannot be permitted to conduct an investigation in a tainted and biased manner so as to take away





the basic fundamental right of the accused, who as per law is to be presumed innocent till proved guilty. A victim, would equally be entitled to a fair investigation.

7. In a democratic setup, peace and harmony are the two inevitable components. But equally true is the fact that commission of crimes can't be avoided. However, it's not always the commission of crime that may be deleterious to peace and harmony of the society, but what may be, is the defective investigation.

Defective investigation tends to shake the faith reposed by the members of the society including the suspect/accused as well as the Victim. The most effected would be the suspect because all have to be presumed to be innocent till proved guilty and tainted investigation would curtail his freedoms i.e. life and liberty guaranteed under Article 21 of the Constitution of India as held in the case of **Nirmal Singh Kahlon v. State of Punjab**, reported in **(2009) 1 SCC 441**. Likewise, victims, as they have surrendered their rights in legitimate expectation of protection of their interests including safe environment. So, it necessitates striking a balance between the conflicting interests of the accused and the Victim, for which, evidently fair investigation is the solitary solution. With every commission of crime, race begins to decipher the most vital questions; i.e., who, why, where and how. Getting a good start is very important. There is no dictionary that can help the crime investigator. He has to use his wit and wisdom in quest of truth from the circumstantial/physical/trace evidence keeping in mind the adage that "Men may lie but circumstances don't".



8. Law and order are the cornerstones of any civilized society, and ensuring their maintenance falls upon the shoulders of numerous dedicated professionals. One such integral figure is the SHO, who plays a pivotal role in the day-to-day affairs of a police station. There is a need to delve into the dynamic and challenging world of an SHO, exploring their responsibilities, daily life, and the impact they have on the jurisdictional areas they serve.

9. At the heart of every police station, the SHO stands as a symbol of authority and responsibility. An SHO is typically an experienced police officer who is entrusted with the overall management of the police station, overseeing a team of law enforcement operations within their jurisdiction. They act as a vital link between the community and the police department, playing crucial role in maintaining public order and safety.

10. Looking to the facts involved in the instant matter, it is pertinent to look upon the responsibilities and duties that the SHOs behold.

11. The duties of SHOs are diverse and demanding i.e., from investigating crimes to maintaining public order, thus, their responsibilities encompass a wide range of tasks. Some key duties of the SHOs include:

- a) Maintaining law and order: the SHOs are responsible for the overall peace and security of their assigned area. They work diligently to prevent and control criminal activities, responding swiftly to incidents and ensuring the safety of the community.
- b) Leading investigations: when a crime occurs within their jurisdiction, the SHO takes charge of the investigation. They





co-ordinate with detectives, gather evidence, interview witnesses, and build a strong case to bring criminals to justice.

c) Managing police personnel: the SHOs oversee the performance of their subordinates, ensuring discipline, professionalism, and adherence to protocols. They allocate duties, conduct regular briefings. And provide guidance to the team.

d) Community engagement: the SHOs foster positive relationships with the local community, organize awareness campaigns, public meetings, and community policing initiatives. They act as a bridge between the police and the public, addressing concerns and promoting a sense of trust and co-operation.

12. The SHO of a police station is duty bound to monitor and supervise the investigation carried out by the Investigation Officer of that police station. He must ensure that every investigation is conducted fairly, expeditiously and in accordance with law, and upon completion of the investigation, a police report/charge sheet disclosing offences is filed in every case before the jurisdictional court.

13. It is the duty of the SHO to see that the investigation is conducted properly and that the charge sheet is filed only after proper application of mind as to whether the material collected during investigation justifies filing of charge sheet for the offences alleged. Filing of charge sheet is not a mere formality.

14. The SHO must vet and apply his mind to the evidence led before him and the provisions of law before submission of charge





sheet to the court and failure in doing so can make such SHO liable.

15. Reverting to the facts of the instant case and its record indicate that the petitioner/complainant met with an accident on 03.11.2013 caused by the Driver of the Car in question (Alto), wherein he sustained several injuries including one grievous injury i.e. fracture on his left leg. An FIR No. 425/2013 was registered with the Police Station Mundawar, District Alwar for the offences punishable under Sections 279 and 337 IPC. This fact is not in dispute that the injury report as well as the X-Ray report prepared during the course of investigation reveal that the petitioner has sustained a fracture on his left leg which is a grievous injury. Hence, under these circumstances, the offence under Section 338 IPC was made out but inspite of the above, after investigation, the charge-sheet was submitted against the Driver of the offending vehicle for the offences punishable under Sections 279 and 337 IPC alone. This fact is not in dispute that the investigation was done by the Head Constable -Rajendra Prasad the respondent no.3 and not by Dharm Singh the respondent no.2 who happens to be the SHO of the concerned Police Station. However, this fact cannot lose sight that the SHO of any Police Station cannot act as a mere post office, simply forwarding documents to the concerned Court. The SHO is duty bound to supervise and check whether the investigation has been conducted by the Investigating Officer in a proper manner or not. If any document, available on the record, reveals that the injured petitioner has sustained grievous injury involving a fracture, then the SHO was duty bound to submit the charge-sheet against the accused persons for the offence





punishable under Section 338 IPC also. Hence, under these circumstances, in the instant case, the respondent No. 2 has miserably failed to discharge his supervisory duty to vet the investigation report, prepared by the Investigating Officer i.e., the respondent No. 3. Hence, under these circumstances, a prima facie case is made out against the respondent No. 2 as well as under Sections 166 and 167 IPC as he has failed to discharge his public duty.

16. Considering the overall facts and circumstances of the case, it is found that the impugned order passed by the Revisional Court qua the respondent No. 2-Dharm Singh Meena is not sustainable in the eyes of law and the same is liable to be and is hereby quashed and set aside.

17. Accordingly, the instant criminal misc. petition stands allowed. Stay application and all pending application (s), if any also stand disposed of.

18. Needless to observe that whatever has been observed by this Court in this order is strictly confined to the scrutiny of the impugned order passed by the Revisional Court. Any observation made herein above are confined to the disposal of the instant Miscellaneous petition and the same has no bearing on the merits of the case. The Revisional Court is directed to decide the matter qua the respondent no. 2 Dharam Singh Meena on the basis of the evidence available on the record without being influenced by any of the observations made by this Court.

19. Let a copy of this order be sent to the 1. Additional Chief Secretary, Department of Home, Secretariat, Jaipur; 2. Director General of Police, Police Headquarters, Jaipur in order to issue



directions to the SHOs of all the Police stations of the State of Rajasthan not to act like a post office for the purposes of submitting the results of the investigations before the Courts. They all be directed to look into the matter, vet the evidence so also the investigation and accordingly form their independent opinion and then submit the Chargesheet/Final Report under Section 173 CrPC before the Courts concerned.



(ANOOP KUMAR DHAND),J

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