



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

S.B. Criminal Misc(Pet.) No. 1348/2020

Virendra Singh Rajpurohit S/o Shri Bhanwar Singh Rajpurohit,
Aged About 32 Years, 100, Pancham Nagar, Ramdev Road, Pali,
District Pali (Rajasthan).

----Petitioner

Versus

State, Through P.p.

Gautam Kumar Jain S/o Mohan Lal Sethiya, Aged About
47 Years, S.h.o., Police Station Kotwali Pali, Pali,
Permanent R/o Chohtan, District Barmer (Rajasthan).

----Respondents



For Petitioner(s) : Mr.Rajak Haider (on video call).
For Respondent(s) : Mr.Gaurav Singh, P.P.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

12/06/2020

1. In wake of onslaught of COVID-19, lawyers have been advised to refrain from coming to the Courts.
2. The instant misc. petition under Section 482 Cr.P.C. has been filed on behalf of the petitioner seeking quashing of the F.I.R. No.180/2020 lodged at P.S. Kotwali Pali, District Pali.
3. Learned counsel for the petitioner at the outset submits that the petitioner wants to submit a representation alongwith all the relevant documents before the concerned investigating authority to redress the issue.
4. Learned Public Prosecutor assures this Court that if the petitioner submits a representation along with all the necessary



documents before the concerned investigating authority within a period of ten days from today, then the same shall be considered and decided strictly in accordance with law, before completing the investigation.

5. In light of the aforesaid assurance given by learned Public Prosecutor, the present misc. petition is disposed of with a direction to the concerned investigating authority that in case the petitioner submits a representation along with all the necessary documents before it within a period of ten days from today, then the same shall be considered and decided before completing the investigation, strictly in accordance with law and as per the assurance given by the learned Public Prosecutor.

6. In the peculiar facts of the case, it would be appropriate to grant protection from arrest to the petitioner as it will be a waste of energy and resources of the Police Department to run after the accused to complete the related investigation and without protection it would also cause unnecessary hardship to the accused, who deserves a basic opportunity of explaining his case before the Investigating Authority without fear of arrest. The Investigating Officer, however, shall have the liberty of custodial interrogation after giving 15 days' notice before arrest if required. In the interest of justice and the facts and circumstances noted by this Court, the limited protection is justified. Therefore, if during the investigation, the concerned investigating authority needs to arrest the petitioner, then the petitioner shall be given 15 days' notice before making such arrest. The petitioner shall be required to join the investigation. The petitioner shall be at liberty to



approach this Court again, in case need arises.

7. The stay petition also stands disposed of.

(DR. PUSHPENDRA SINGH BHATI),J

66-SPhophaliya/-



RAJASTHAN HIGH COURT



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