



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

S.B. Criminal Misc(Pet.) No. 1375/2023

Gajendra Singh Shekhawat S/o Shri Shankar Singh Shekhawat,
Aged About 55 Years, R/o Ajit Colony Ratanada Jodhpur
Presently R/o 12 Akbar Road New Delhi-110001

-----Petitioner

Versus

1. State Of Rajasthan, Through Addititonal Director General Special Operations Group Jaipur Raj.
2. Central Bureau Of Investigation, Through Director Cgo Complex Lodhi Road New Delhi
3. Central Registrar Multi-State, Cooperative Societies Through Secretary Ministry Of Agriculture And Farmers Welfare Krishi Bhawan New Delhi -110001

-----Respondents

For Petitioner(s)	:	Mr. V.R. Bajwa, Sr. Adv. assisted by Mr. Aditya Vikram Singh, Mr. Ajit Sharma and Mr. Yuvraj Singh.
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG assisted by Ms. Sonu Manawat and Mr. Vikram Singh Rajpurohit, PP. Mr. R.D. Rastogi, ASGI assisted by Mr. B.P. Bohra Mr. Mukesh Rajpurohit, DSG assisted by Mr. Prakash Raika. Mr. Chiranji Lal Meena, Addl. S.P. SOG, Jaipur

HON'BLE MR. JUSTICE ARUN MONGA

Order(Oral)

25/09/2024

1. Petitioner is before this Court seeking quashing of an FIR No.32/2019, 23.08.2019, registered under Sections at Police Stations 420, 406, 409, 467, 468, 471, 120-B of IPC and Section 65 of IT Act, at P.S. Special Police Station (SOG), District Jaipur.
2. The matter was earlier heard by me on 17.09.2024, when the following order was passed :-



"It transpires that after completion of investigation as many as four charge-sheets have already been filed. In none of these charge-sheets, the petitioner has been either attributed any role or otherwise named anywhere so as to array him as an accused.

After hearing arguments for some time, on a court query as to whether the prosecution intends to file any supplementary charge-sheet against the petitioner, the learned G.A. seeks a short adjournment to obtain instructions.

List on 25.09.2024 to be shown in supplementary cause list.

Interim order to continue till the next date."

3. Apropos, on resumed hearing today, Mr. Deepak Choudhary, learned Additional Advocate General, assisted by Ms. Sonu Manawat and Mr. Vikram Singh Rajpurohit, representing the respondent State, tenders a copy of the factual report dated 24.09.2024. He states that having gone through the contents thereof, he is under instructions to state that, after investigation, no offence is found to have been committed by the petitioner. Report is taken on record.

4. Furthermore, he apprises the court that no supplementary charge-sheet is proposed to be filed against the petitioner, as the allegations made against him were found to be completely unsubstantiated.

5. On perusal of the aforesaid report, I am inclined to agree with the statement of the learned Additional Advocate General, as no culpability of commission of any offence is attributable to the petitioner.

6. Resultantly, the petitioner is since not an accused, his prayer seeking quashing of the FIR qua him does not really survive any adjudication.

7. Before parting, I may also hasten to add here that, in any case, where a report under section 193(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) has already been filed against the prime accused, no further investigation can be carried out without the permission of the learned trial court, in view of



Section 193(9) of BNSS. For ready reference, the relevant part of the Section 193 of the BNSS, with emphasis on sub-clause 9 thereof, is reproduced herein below:



*“SECTION 193: Report of police officer on completion of investigation
(9) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3):
Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.”*
(emphasis supplied)

8. Accordingly, the instant petition is disposed of with the observations, as above. Pending application, if any, also stands disposed of.

(ARUN MONGA),J

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Whether fit for reporting- Yes / No