



[2026:RJ-JD:23857]

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

S.B. Criminal Writ Petition No. 2136/2026

Sumann Mundhara D/o Late Shri Girdharilal Mundhara, Aged
About 34 Years, R/o 5-D-168 JNV Colony Bikaner, District
Bikaner Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, through the Principal Secretary,
Home Department Government Of Rajasthan.
2. Superintendent Of Police, Bikaner, District Bikaner
Rajasthan
3. Circle Officer (CO), Gangashahar District Bikaner
Rajasthan
4. Jagdish Prasad, Sub Inspector, the then Station House
Officer (SHO) Police Station Napasar, District Bikaner
Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Navneet Singh

For Respondent(s) : Mr. Ramesh Devasi, Public Prosecutor

HON'BLE MS. JUSTICE REKHA BORANA

REPORTABLE

Order

18/05/2026

1. The present writ petition has been filed with a prayer that
respondent Nos. 2 and 3 i.e. the Police Authorities be directed to
complete the investigation in Criminal Case No. 1934/2024 within
a reasonable period and submit a report thereof to the learned
Trial Court as directed vide order dated 15.04.2025 (Annexure-4).
2. Heard the Counsels. Perused the Record.
3. It is evident that vide order dated 15.04.2025, the learned
Trial Court, after taking into consideration the documents as filed
by the complainant along with the complaint, directed the Circle



Officer, Bikaner to undertake thorough investigation and file the investigation/conclusive report by 22.05.2025. It is an admitted fact that the same has not been done till date.

4. This Court has come across several writ petitions been filed only on account of non-compliance of directions issued by the Magistrate for conducting investigation in pursuance to order passed under Section 156(3), Cr.P.C [175(3), BNSS]. It has been witnessed that in all such matters, despite specific direction of the Magistrate to carry out the investigation and file a conclusive report, neither is the investigation concluded within a reasonable period nor are the progress reports been filed for a long period.

5. This Court has noticed that in many of such cases, the proceedings remain pending before the Trial Court for years while mechanically fixing repeated dates calling upon the effective status/progress report from the investigating agency. As a consequence, litigants approach this Court in extra-ordinary jurisdiction calling for implementation of orders which otherwise fall within the supervisory domain of the concerned Criminal Court.

6. This Court feels constrained to observe that after a direction for investigation been issued by the Criminal Court in terms of Section 156(3), Cr.P.C., it does not become *functus officio* so as to keep on repeating the order-sheets to the effect that the progress/conclusive report is awaited.

7. Hon'ble the Apex Court in ***Sakiri Vasu Vs. State of U.P. & Ors.; (2008) 2 SCC 409***, observed that the Magistrate has wide powers not only to direct registration of First Information Report but also to ensure a proper investigation, and for this purpose, he





can even monitor the investigation. The Court therein observed that no writ petition or petition under Section 482 Cr.P.C. should be entertained simply because a person has raised a grievance that proper investigation is not been done by the Police. Therein the remedy lies under Section 156(3), Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C..

8. But then, herein is a matter where the petitioner has already approached the competent Criminal Court and the Court has even directed the investigating agency to investigate into the matter. However, despite the said direction been made on 15.04.2025, no conclusive report has been filed in the matter till date, despite a period of more than one year having elapsed.

9. Section 173(1) Cr.P.C. [193(1) BNSS] provides that every investigation shall be completed without unnecessary delay.

10.1 Interpreting the above provision, Hon'ble the Apex Court in its recent judgment of **Robert Lalchungnunga Chongthu alias R.L. Chongthu Vs. State of Bihar; AIROnline 2025 SC 1112**, while considering the earlier judgment of **Sovaran Singh Prajapati Vs. State of U.P.; 2025 SCC OnLine SC 351**, observed that, "**process of investigation and trial must be completed with promptitude**". The Court observed that speedy trial would encompasses within its sweep all its stages including **investigation**, inquiry, trial, appeal, revision and re-trial – in short, everything commencing with an accusation and expiring with a final verdict. Therein, the Court while discussing the evolvment and development of the principle/concept of 'prompt investigation', observed and held as under:



"15. Moving further, it is to be noted that this aspect of prompt investigation has received statutory recognition as well in the Cr.P.C., which of course, is the comprehensive code laying down detailed procedure for stages of investigation, trial and appeal among other things. It must be stated that statutory recognition of prompt investigation is a pre-constitutional stipulation. During the colonial period, the Code of Criminal Procedure, 1861, and its immediate successor, the Code of Criminal Procedure , 1872, conceived the process of criminal investigation as a domain of exclusive police competence, characterized by minimal judicial supervision. These early procedural frameworks vested extensive autonomy in the police establishment, leaving investigations largely beyond the reach of magisterial control, and notably omitted any statutory timelines for their completion. The institutional foundation for this arrangement lay in the Police Act, 1861, which served as the principal legal instrument governing investigative powers and responsibilities. Although the police operated nominally under the "general control and direction" of the District Magistrate, in practice, the investigation of offences was conducted independently within the police hierarchy, reflecting the colonial state's preference for an executive, rather than judicially mediated, model of law enforcement.

This design is made explicit in the text of the Police Act itself. Reference may made to Section 5 which granted the police authorities a power of the magistrate and 23 which delineated the core duties of police officers in notably broad terms. Sections 25, 26 and 27 establish that the rule of





the Magistrate was limited to certain spheres only, for instance dealing with property.

*Read together, these provisions reveal a conception of policing that was investigative, preventive, and executive in nature, with the judiciary occupying a passive and peripheral role. The Magistrate's function under the Codes of 1861 and 1872 was confined largely to receiving police reports or taking cognizance of completed investigations, rather than directing or monitoring their course. It was only with the advent of later reforms – first, through the Code of Criminal Procedure, 1898, and subsequently under the Code of 1973 - that the architecture of criminal procedure began to incorporate judicial control and procedural accountability, through provisions such as Sections 61, 167 and 173(1) of the 1898 Code and 156(3), 167, and 173(1), 173(2) of the 1973 Code, **which introduced oversight mechanisms (in Section 156(3) and 167) and prescribed reasonable limits (in Section 173(1), 173(2)) for the duration of investigations. In its latest avatar, the legislation codifying criminal procedure i.e. BNSS 2023, also provides similar timelines under Sections 187, 193, 230, 250, 251, 262, 263 etc."***

10.2. The Court further observed that although no strict timelines are provided in the Code of Criminal Procedure, but it is equally so that the investigations are to be completed in a reasonable time.

10.3. While issuing certain directions in its concluding Para, the Court observed that reasons are indispensable to the proper



functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. The Court specifically held that **if the Court finds that there is a large gap between the First Information Report and the culminating charge-sheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.**

10.4. The Court lastly concluded that although it is impracticable to have strict timeline in the process of investigation, but then, investigations cannot continue endlessly.

The Court held as under:

"If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 Cr.P.C., seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered."

11. Applying the above observations and ratio to the present matter, herein it is crystal clear that, on the complaint been filed by the complainant, vide order dated 15.04.2025, the Court directed the investigating agency to investigate into the matter and file the conclusive report on 22.05.2025. However, no such report was ever filed and it is only on 16.10.2025 when a specific



direction was issued to the concerned SHO by the Court, that a factual report was filed on 27.11.2025.

12. Interestingly, since then, the matter remains pending awaiting the progress report/conclusive report, till date.

13. In the above facts, this Court is of the opinion that the present is a fit case wherein the Court is required to exercise its extra-ordinary jurisdiction. This Court is of the view that the Magistrate/Criminal Court does not absolve of its duties after sending the matter under Section 156(3) Cr.P.C. to the investigating agency for investigation. The Court is also under a bounden duty to supervise and monitor the said investigation. It is under an obligation to call for the progress reports, if it finds that the investigation is not been completed within a reasonable time or is unnecessarily delayed. The investigation cannot be lingered on by the investigating agency for years without any logical conclusion thereof. The same not only hampers the rights of the victim/complainant, but also that of the accused.

14. As held by Hon'ble the Apex Court in a catena of judgments, an unduly prolonged investigation even gives a right to the accused to pray for quashing of First Information Report and his discharge from all the offences as alleged.

15. In view of the above overall analysis, the present writ petition is **disposed of** with a direction to the learned Trial Court to ensure the filing of the conclusive investigation report – chargesheet/Final Report by the Investigation Officer, qua the complaint/FIR in question, within a period of six weeks from now.



16. If the Investigation Officer fails to file the same within the stipulated period, the learned Trial Court shall be at liberty to pass appropriate orders qua the erring Officer.

17. Stay application and all pending applications, if any, stand **disposed of.**

(REKHA BORANA),J

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