HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 4028/2020

1. Kanti Lal Asoda S/o Lalu Ji Asoda, Aged About 42 Years, R/o Goginagad Banjariya, Kherwada, District Udaipur.
2. Ganpat Bhai Damor S/o Vajaji Damor, Aged About 32 Years, R/o O.o. Pal, Gram Panchayat Tal, Taluka Vijay Nagar, District Sabarkanta, Gujarat.

----Petitioners

Versus

1. State, Through P.p.
2. Deputy Superintendent Of Police, Abhay Command And Control Centre Camp Kherwada, District Udaipur.
3. Station House Officer, Police Station Kherwada, District Udaipur.

----Respondents

For Petitioner(s)	:	Mr. Moti Singh, through V. C.
For Respondent(s)	:	Ms. Rajlaxmi Singh Choudhary, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

09/12/2020

The instant criminal misc. petition filed by the petitioners for quashing of the FIR No.213/2020 lodged at Police Station Khervada, District Udaipur for offence punishable under Sections 147, 148, 149, 394, 436 and 188 of IPC.

Counsel for the petitioners submits that the petitioners are being falsely implicated in this case due to political pressure. The Investigating Officer in the matter has been detaining persons without any proof and merely on assumption and the same has lead to a situation of panic and fear among the members of the Tribal Community of the area. Counsel further submits that no

overt act has been attributed to the petitioners and the name of the petitioners have not surfaced in the entire FIR, therefore, the impugned FIR deserves to be quashed.

Per contra, learned Public Prosecutor vehemently oppose the prayer made by the counsel for the petitioners and mentioned that a specific allegations have been levelled against the petitioners, so at the initial stage FIR should not be quashed.

I have thoughtfully considered the arguments advanced on behalf of the parties and the material available on record. The petitioners are directed to appear before the trial Court on or before 15.12.2020 and file an application for bail and it is expected from the concerned trial Court that the bail application will be decided on the same day in accordance with law.

Till 15.12.2020, the petitioners shall not be arrested in connection with FIR No.213/2020 registered at Police Station Khervada, District Udaipur.

The instant criminal misc. petition filed by the petitioners is hereby disposed of.

Stay petition is also decided accordingly.

(MANOJ KUMAR GARG),J

44-Anshul/-