HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.7207/2024

Ramveer Son Of Karan Singh, Resident Of Sevkheda, Kishangarhbas, District Khairthal- Tijara (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Chanderpal Son Of Ramautar, Resident Of Ward No. 11, Tijara, Bhiwadi (Rajasthan).

----Respondents

For Petitioner(s)	:	Mr.R.K. Mathur, Sr.Adv. with Mr.Lucky Sharma
For Respondent(s)	:	Mr.Vivek Choudhary, PP Mr.Manu Agarwal Mr.Chandra Shekhar

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JUSTICE ANOOP KUMAR DHAND

Order

05/12/2024

1. The instant criminal misc. petition has been filed with the following prayer:-

> "It is, therefore, prayed that this petition may be accepted and the impugned F.I.R. No.0329/2024 registered at Police Station Tijara, District Bhiwadi-Tijara (Rajasthan) be quashed with a direction that no further investigation be undertaken by the police at least for offence punishable under Section 307 I.P.C. the record of investigation be also summoned from the Police Station Tijara.
>
> This Hon'ble Court may also be pleased to pass any other and further order as may be deemed just and proper in the facts and circumstances of the case in favour of the humble petitioner."

2. By way of filing of this petition, the petitioner is seeking a direction against the investigating agency not to investigate the matter for the offence under Section 307 I.P.C.

3. Learned counsel for the petitioner submits that the injuries sustained by the injured are not so which can be said to be dangerous to life. Counsel submits that no opinion in this regard has been given by the Medical Officer. Counsel further submits that none of the injured has sustained any fire-arm injury. Counsel submits that under these circumstances, no offence Section 307 I.P.C. is made out.

4. *Per contra,* learned Public Prosecutor as well as the counsel for the complainant opposed the prayer and submitted that at premature stage, the petitioner has approached this Court as the matter is at the stage of investigation, hence, interference of this Court is not warranted.

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

6. The relief sought for in this petition cannot be granted by this Court while exercising its discretionary jurisdiction, contained under Section 528 B.N.S.S. It is quite natural that the investigation would be done by the investigating agency on the basis of the material available before it and thereafter, it will submit the conclusion of investigation before the competent Court of law. Therefore, there is no merit and substance in this petition and the same is hereby dismissed.

7. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J

Aayush Sharma /127