

IN THE HON`BLE HIGH COURT OF RAJASTHAN
BENCH AT JODHPUR

Miscellaneous Criminal Case No-----/2020

Petitioner

Sunil Kumar s/o Shri Om Prakash, Aged
45 years Caste Jat R/o Village Dungrana
Tehsil Bhadra District Hanumangarh
(Rajasthan).

Versus

Respondents

1. Superintendent of Police, Hanumangarh-
District Hanumangarh Rajasthan.
2. Station House Officer, Police Station
Hanumangarh, Rajasthan

Miscellaneous Criminal Case Under Section 482 of CRPC
for directing the State Authorities i.e. respondents 1 & 2
Police Authorities to conduct fair and impartial
investigation into the matter against the accused persons
i.e. Ram Pratap Singh s/o Shri Rameshwar Lal, Krishna
Kumar s/o Shri Anduram and Khwetpal s/o Aduram which
is mentioned in the FIR registered by petitioner registered
at Crime No. 0429/2018 at Police Station Hanumangarh,
Rajasthan for the offences punishable under Sections,
406, 420 & 120-B of IPC dt. 09.11.2018. Copy of FIR is
enclosed as ANNEXURE P/1.

It is hereby made clear that this is first petition under Section 482 of CRPC before this Hon`ble Court. No any petition of similar nature is either pending before this Hon`ble Court or before any court of law or rejected by any court of law.

MAY IT PLEASE THIS HON`BLE COURT,

Most humbly and respectfully petitioner submits this petition as under:-

BRIEF FACTS OF THE CASE

1. That, actual matrix of the case are that one agreement was entered into between the parties i.e. Sunil Kumar and Ram Pratap for purchasing truck TATA LPT bearing registration No. RJ49GA 0621 for an amount of Rs 13,35,000/- and in which Rs 1,35,000/- had been paid by the accused persons to the complainant i.e. petitioner on 17.7.2018 and remaining amount had been promised to pay on every date 15 of next month. But the accused persons had not paid the amount according to agreement, therefore being compelled, petitioner filed a complaint before the Court of Judicial Magistrate First Class. Copy of the complaint is filed herewith and marked as **ANNEXURE P-2.** And agreement is enclosed as **ANNEXURE P-3.**

2. That, upon the complaint of petitioner, the court had directed the Police Authorities to register an FIR against accused persons under Section 156 (3) of CRPC, therefore the prosecution has registered the FIR Annexure P/1 against the accused persons. The facts of the prosecution story are mentioned herein below.
3. as per prosecution case, a report was got lodged by the complainant/petitioner to the extent that one vehicle TATA LPT registration No. RJ49 GA 0621 which is of the ownership of petitioner/complainant i.e. Sunil. The accused persons Rampratap, Krishna and Khetpal had met to the applicant/petitioner/complainant and want to purchase the truck of the complainant i.e. petitioner, upon that complainant/petitioner agree to sell the truck with surety of guarantor and in between them an agreement had been entered and applicant willing to sell his truck on amount of Rs13,35,000/- and that agreement was entered on 17.7.2018 into the witnesses Banshidhar and Ramsingh Kasbadara on the stamp paper of Rs100/- with the terms and conditions and it has also been notarized and against which Rs1,35,000/- had been paid to the petitioner and

rest of the amount i.e. Rs12,00,000/- had been promised to pay to the petitioner/complainant on every 15 of a month from 11.7..2018 and accused persons take the truck with them and as the promised done by the respondents/accused, the complainant/petitioner asked to accused persons for remaining amount than they will refused to give remaining amount and threatening have also been made that the petitioner as usual shall initiate anything before the court. Therefore, committed cheating with the petitioner. On the basis of aforesaid incident, report had been got lodged at Police Station Hanumangarh District Rajasthan.

4. That, after registering FIR, the petitioner has submitted an application to Superintendent of Police, Hanumangarh for fair investigation into the matter. Copy of the application/representation is filed as **ANNEXURE P-4**.
5. That, after registering the FIR and after making various efforts as giving application/representation to the authorities concerned, no fair and impartial enquiry has been done into the matter till date and same has been kept pending.
6. That, it is also submitted in this regard, that there are 3 accused persons mentioned in the FIR, but two of them are

already been acquitted by the Police Authorities while against one person the police has only registered the case as formality. This shows mala-fide attitude on the part of the respondent police authorities and Investigating Officer is also malice with the Police Officials and supports accused.

Therefore for fair and impartial investigation and to change the Investigating Officer, the petitioner has filed the present petition under Section 482 of CRPC inter alia on the following grounds; -

GROUND

- A. That, the in action on the part of the police officials is per se illegal arbitrary contrary to law as no fair and impartial investigation is being conducted by the police officials till today. The act of the respondents is per se illegal, arbitrary contrary to law.
- B. That, complaint/application has been made by the petitioner to the respondent's authorities for conducting the fair and impartial investigation into the matter and conducted by an independent investigating officer. But till date no proper enquiry/investigation has been conducted into the matter. Thus, the action of the respondents police officials deserves to be checked by this Hon`ble Court.

- C. That, the act of the respondents in not completing the investigation in fair and impartial manner and not arresting the accused persons immediately is highly illegal and unconstitutional.
- D. That, as per the provisions of CRPC it is mandatory provision that the investigation shall be completed without unnecessary delay, but in the present case the police authorities are not conducting the investigation and not taking any steps about arresting of the accused persons therefore, the act and conduct of respondent police authorities is not sustainable in the eyes of law.
- E. That, if the police authorities not taking any steps in respect of the investigation then the accused persons will not arrested and courage of the accused persons will be developed for committing other offences therefore suitable directions deserves to be issued against the police authorities for conducting and completing the investigation in proper manner and without unnecessary delay.
- F. That, the offence is grievous in nature therefore, as per the provisions of Code of Criminal Procedure, investigation shall be completed without unnecessary delay to secure the ends of justice.

G. That, the truck had not also been seized by the Police till today from the date of registering the FIR. This also shows that the Police also supports the accused and not arrest the accused till date.

H. That, petitioner craves liberty to alter amend and raise the remaining ground which are available at the time of hearing.

PRAYER

It is, therefore, most humbly prayed that this petition may kindly be allowed by granting following relief:-

i) A direction may kindly be given to the Respondents No.1 to 4 police authorities to conduct fair and impartial investigation into the matter or conducting enquiry into the matter immediately and arrest the accused persons mentioned in the FIR who had made the grievous offences.

ii) A direction may kindly be given to the Higher Police Authorities to appoint a Fair Investigating Agency who fairly enquired the matter and presented the report before this Hon`ble Court.

iii) The respondents Police Authorities may kindly be directed to seize the truck TATA LPT RJ49 GA 0621 immediately which was in possession of the unknown persons/accused persons.

iv) Any other relief which this Hon`ble Court deem fit in the facts and circumstances of the case may kindly be granted to the petitioner

Rajasthan

Humble petitioner

Dated - -2020

Through Counsel

(Pradeep Gupta)
Advocate

IN THE HON`BLE HIGH COURT OF RAJASTHAN
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Petitioner Sunil Kumar

Vs.

Respondents Superintendent of Police & another

Affidavit

I, Sunil Kumar s/o Shri Om Prakash, Aged 45 years Caste Jat R/o Village Dungrana Tehsil Bhadra District Hanumangarh (Rajasthan). do hereby solemnly affirm on oath as under:-

1. That, I am petitioner in this case and well known with facts of the case and the petition has drafted under my instructions.
2. That, the contents of petition are true and correct to my knowledge. To support of my version I am submitting this affidavit.
3. That, annexure are true photocopies of the originals

Rajasthan
Dated

Deponent

Verification

I, the above named deponent do hereby verify and declare on oath that the contents of the affidavit paragraphs 1 to 7 are true and correct to the best of my knowledge and that no part of it is false nor any thing is concealed therefrom.

Rajasthan
Dated

Deponent

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LIST OF DOCUMENTS

S.No.	Particulars	Annex. No	Pages
1.	Copy of FIR	Annex. P/1	
2.	Copy of complaint	Annex P/2	
3.	Copy of agreement	Annex. P/3	
4.	Copy of application/ representation	Annex P/4	

Rajasthan

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1.	Miscellaneous Criminal Case		
2.	Affidavit		
3.	List of Document		
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5.	Copy of complaint	Annex P/2	
6.	Copy of agreement	Annex. P/3	
7.	Copy of application/ representation	Annex P/4	
8.	Power		

Rajasthan

Humble petitioner

Dated - -2020

Through Counsel