



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



**S.B. Criminal Miscellaneous (Petition) No. 7852/2024**

Hussain Mohammad Son Of Shri Pyar Mohammad, Aged About 50 Years, Resident Of 229, Kota Shiv Puri Mar, Rani Badod, Baran.

-----Petitioner

Versus

1. Shri Tolaram Son Of Shri Mohan Lal, Aged About 41 Years, Resident Of Digodpar, Police Station Kishanganj, District Baran, Rajasthan.
2. State Of Rajasthan, Through P.p.

-----Respondents

Connected With

**S.B. Criminal Miscellaneous (Petition) No. 266/2024**

Pramod Jain Bhaya Son Of Shri Ummaid Mal Jain, Aged About 58 Years, Resident Of Shriji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.

-----Petitioner

Versus

1. Shri Rameshwar Khandelwal Son Of Shri Mool Chand Gupta, Aged About 62 Years, Resident Of Opposite Hospital, Anta, District Baran Rajasthan.
2. State Of Rajasthan, Through P.p.

-----Respondents

**S.B. Criminal Miscellaneous (Petition) No. 312/2024**

1. Sunil Yadav Son Of Shri Hemraj Yadav, Resident Of Vivekanand Colony, Opposite Public Park, Police Station Kotwali Baran, District Baran, Raj.
2. Sharad Sharma Son Of Shri Rambabu Sharma, Resident Of Shri Ji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
3. Ankit Boradiya @ Ankit Jain Son Of Shri Ashok Jain, Resident Of Jain Colony, Old Civli Lines, Police Station Kotwali Baran, District Baran , Raj.

-----Petitioners

Versus

1. Shri Dilip Shakyawal Son Of Shri Durgashankar



Shakyawal, Resident Of Susawan Basti, Police Station Kotwali Baran, District Baran, Rajasthan.

2. State Of Rajasthan, Through P.p.

-----Respondents

**S.B. Criminal Miscellaneous (Petition) No. 321/2024**

1. Pradeep Kabra Son Of Shri Magan Lal Kabra, Aged About 57 Years, Resident Of Fathepur, Tehsil Baran, District Baran, Raj.
2. Sharad Sharma Son Of Shri Rambabu Sharma, Resident Of Shri Ji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
3. Ghanshaym Nagar Son Of Shri Kesri Lal, Aged About 62 Years, Resident Of Misai, Police Station Kishanganj, District Baran, Rajasthan.
4. Girish @ Gopi Nagar Son Of Shri Ghanshaym Nagar, Aged About 42 Years, Resident Of Misai, Police Station Kishanganj, District Baran, Rajasthan.
5. Chitranjan Patahk @ Bholu Son Of Shri Rajendra Pathak, Aged About 45 Years, Resident Of Kelwada, District Baran, Raj.

-----Petitioners

Versus

1. Shri Tolaram Son Of Shri Mohan Lal, Aged About 41 Years, Resident Of Digodpar, Police Station Kishanganj, District Baran, Rajasthan.
2. State Of Rajasthan, Through P.p.

-----Respondents

**S.B. Criminal Writ Petition No. 1102/2024**

1. Pramod Jain Bhaya S/o Shri Ummaid Mal Jain, Aged About 58 Years, R/o Shriji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
2. Chitranjan Pathak @ Bholu S/o Shri Rajendra Pathak, Aged About 45 Years, R/o Kelwada, District Baran Raj.
3. Pradeep Kabra S/o Shri Magan Lal Kabra, Aged About 57 Years, R/o Fathepur, Tehsil Baran, District Baran, Raj.
4. Sharad Sharma S/o Shri Rambabu Sharma, R/o Shri Ji Chowk, Police Station Kotwali Baran, District Baran,



Rajasthan.

5. Kaushal Kishor Rathor S/o Shri Nand Lal Rathore, R/o Kelwada, Police Station Kelwada, District Baran Raj.

-----Petitioners

Versus

1. Shri Murari Lal S/o Shri Lakshman Lal, R/o Balda, Police Station Kelwada, District Baran. (Complainant / Informant Of Fir No. 57/2024 Dated 07.03.2024 Registered At Police Station Kelwada District Baran)
2. Shri Manak Chand S/o Shri Mitthu Lal Mahajan, R/o Kelwada, District Baran, Rajasthan. (Complainant / Informant Of Fir No. 54/2024 Dated 04.03.2024 Registered At Police Station Kelwada District Baran).
3. State Of Rajasthan, Through Pp
4. State Of Rajasthan, Through The Additional Chief Secretary, Department Of Home Affairs And Justice, Secretariat, Rajasthan, Jaipur.
5. The Director General Of Police, Rajasthan, Police Head Quarters, Shree Ram Road, Lalkothi, Jaipur, Rajasthan.
6. The Superintendent Of Police, District Baran, Rajasthan.
7. The Station House Officer, Police Station Anta, District Baran, Rajasthan.
8. The Station House Officer, Police Station Kishanganj, District Baran, Rajasthan.
9. The Station House Officer, Police Station Kotwali Baran, District Baran, Rajasthan.
10. The Station House Officer, Police Station Kelwada, District Baran, Rajasthan.
11. The Station House Officer, Police Station Mangrol, District Baran, Rajasthan.
12. Shri Rameshwar Khandelwal S/o Shri Mool Chand Gupta, Aged About 62 Years, R/o Opposite Hospital, Anta, Police Station Anta, District Baran. (Complainant / Informant Of Fir No. 02/2024 Dated 01.01.2024 Registered At Police Station Anta District Baran).
13. Shri Dilip Shakyawal S/o Shri Durga Shankar Shakyawal, R/o Susawan Basti, Baran. (Complainant / Informant Of Fir No. 08/2024 Dated 03.01.2024 Registered At Police



Station Kotwali Baran, District Baran).

14. Shri Tola Ram S/o Shri Mohan Lal, Aged About 41 Years, R/o Degodpar, Police Station Kishanganj, District Baran. (Complainant / Informant Of Fir No. 05/2024 Dated 03.01.2024 Registered At Police Station Kishanganj District Baran)
15. Shri Vijay Piplani S/o Shri Badri Lal Piplani, R/o Krishna Colony, Baran, Rajasthan. (Complainant / Informant Of Fir No. 272/2024 Dated 02.04.2024 Registered At Police Station Kotwali Baran District Baran).
16. Shri Jitendra Meena S/o Shri Ram Kishan Meena, R/o Opposite Krishi Upaj Mandi, Anta, District Baran. (Complainant / Informant Of Fir No. 204/2024 Dated 18.04.2024 Registered At Police Station Anta District Baran).
17. Shri Digvijay S/o Shri Raghuveer, Presently Posted At Station House Officer, Police Station Anta, District Baran, Rajasthan. (Complainant / Informant Of Fir No. 205/2024 Dated 18.04.2024 Registered At Police Station Anta District Baran)
18. Shri Dilip @ Bablu S/o Shri Mohan Lal Meena, R/o Borda, Police Station Mangrol, District Baran. Rajasthan. (Complainant / Informant Of Fir No. 205/2023 Dated 22.09.2023 Registered At Police Station Mangrol District Baran).
19. Shri Om Prakash Nagar S/o Shri Ram Karan, R/o Itawa Road, Mangrol, Police Station Mangrol Baran. (Complainant / Informant Of Fir No. 60/2024 Dated 08.03.2024 Registered At Police Station Mangrol District Baran).
20. Shri Lalit Meena, Member Of Legislative Assembly, Constituency Kishanganj, District Baran, Rajasthan. (Complainant / Informant Of Fir No. 75/24 Dated 20.03.2024 Registered At Police Station Kelwada, District Baran)
21. Shri Kamal Rathore S/o Shri Dhanna Lal, Aged About 35 Years, R/o Rajpura Ward, Satsang Bhawan Road, Baran, District Baran. (Complainant / Informant Of Fir No. 268/2024 Dated 02.02.2024 And Fir No. 271/2024 Dated 02.04.2024 Registered At Police Station Kotwali Baran



District Baran)

-----Respondents

**S.B. Criminal Misc. (Petition) No. 1417/2024**

1. Naresh Sharma Son Of Shri Janki Prasad Sharma, Resident Of 79A, Raj Nagar Bazariya, Sawaimadhopur, District Sawaimadhopur, Rajasthan
2. Pramod Jain Bhaya Son Of Shri Ummaid Mal Jain, Aged About 58 Years, Resident Of Shriji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan

-----Petitioners

Versus

1. Shri Dilip Shakyawal Son Of Shri Durga Shankar Shakyawal, Resident Of Susawan Basti, Baran, Police Station Kotwali Baran, District Baran, Rajasthan
2. State Of Rajasthan, Through P.p.

-----Respondents

**S.B. Criminal Miscellaneous (Petition) No. 1484/2024**

Mustufa Khan Son Of Shri Mustkeem Khan, R/o Gulab Bari, Anta District Baran (Raj.)

-----Petitioner

Versus

1. Rameshwar Khandelwal Son Of Mul Chand Gupta, R/o Govt. Hospital Ke Pass, Anta District Baran (Raj.)
2. State Of Rajasthan, Through P.p.

-----Respondents

**S.B. Criminal Miscellaneous (Petition) No. 1719/2024**

1. Kaushal Kishor Rathor Son Of Shri Nand Lal Rathore, Resident Of Kelwada, Police Station Kelwada, District Baran Raj.
2. Chitranjan Pathak @ Bholu Son Of Shri Rajendra Pathak, Resident Of Kelwada, Police Station Kelwada, District Baran Raj.

-----Petitioners

Versus

1. Shri Murari Lal Son Of Shri Lakshman, Resident Of Balda, Police Station Kelwada, District Baran, Rajasthan.



2. State Of Rajasthan, Through P.p.

-----Respondents

**S.B. Criminal Miscellaneous (Petition) No. 1793/2024**

1. Kaushal Kishor Suman S/o Shri Hemraj Suman, R/o Bhagwanpura, Mangrol District Baran, Rajasthan.
2. Sharad Sharma S/o Shri Rambabu Sharma, R/o Shri Ji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
3. Pramod Jain Bhaya S/o Shri Ummaid Mal Jain, Aged About 58 Years, R/o Shriji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
4. Ankit Boradiya Jain S/o Shri Ashok Jain, R/o Jain Colony, Old Civil Lines, Police Station Kotwali Baran, District Baran, Rajasthan.

-----Petitioners

Versus

1. Shri Om Prakash Nagar S/o Shri Ram Karan Ji, Aged About 45 Years, R/o Itawa Road, Mangrol District Baran, Rajasthan
2. State Of Rajasthan, Through P.p.

-----Respondents

**S.B. Criminal Miscellaneous (Petition) No. 1794/2024**

1. Dharmendra Yadav S/o Shri Mangal Singh Aheer, R/o Dheemar Mohalla, Shahbad, District Baran, Rajasthan.
2. Chitranjan Pathak @ Bholu S/o Shri Rajendra Pathak, Aged About 45 Years, R/o Old Thana Road, Kelwada, District Baran Raj.
3. Kaushal Kishor Rathor S/o Shri Nand Lal Rathore, R/o Opposite Hospital, Kelwada, Police Station Kelwada, District Baran Raj.
4. Pradeep Kabra S/o Shri Magan Lal Kabra, Aged About 57 Years, R/o Fathepur, Tehsil Baran, District Baran Raj.

-----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Shri Manak Chand S/o Shri Mitthu Lal Mahajan, R/o Kelwada, District Baran, Rajasthan.





----Respondents

**S.B. Criminal Miscellaneous (Petition) No. 1939/2024**

1. Kaushal Kishor Rathor Son Of Shri Nand Lal Rathore, Resident Of Opposite Hospital, Kelwada, Police Station Kelwada, District Baran Raj.
2. Rajaram Son Of Shri Mathura Lal Sahariya, Resident Of Ghensua Khanda Sahrol, District Baran, Rajasthan, Presently Posted At Gram Panchayat Shahbad District Baran, Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Shri Lalit Meena Son Of Shri Hemraj Meena, Resident Of College Road, Police Station Kotwali Baran District Baran, Rajasthan. At Present Member Of Rajasthan Legislative Assembly From Kishanganj Constituency Of Baran District.

----Respondents

**S.B. Criminal Misc. (Petition) No. 2566/2024**

Vishnu Garg S/o Duli Chand Garg, Aged About 60 Years, R/o Choumukha Bazar, Baran, Baran, Rajasthan-325205

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

**S.B. Criminal Misc. (Petition) No. 2988/2024**

1. Kamal Soni Son Of Shri Ramkunwar Soni, Aged About 55 Years, Resident Of 17 And 18 C Block, New Nakoda Colony, Baran District Baran, Rajasthan.
2. Smt. Urmila Jain Wife Of Shri Pramo Jain Bhaya, Aged About 55 Years, Resident Of Shriji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
3. Pramod Jain Bhaya Son Of Shri Ummaid Mal Jain, Aged About 58 Years, Resident Of Shriji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
4. Kailash Paras Son Of Shri Gopal Lal, Aged About 64 Years, Resident Of Jag Jeevan Ram Colony, Baran, Rajasthan.



5. Gautam Kumar Jain Son Of Shri Panna Lal Jain, Aged About 55 Years, Resident Of Jain Colony, Old Civil Lines, Baran Rajasthan.
6. Satish Kumar Goyal Son Of Shri Ram Chandra Goyal, Aged About 58 Years, Resident Of Harizan Basti, Near Punjabi Sabha Bhawan, Baran, Rajasthan
7. Radhey Shayam Rathor Son Of Shri Badri Lal Rathor, Aged About 61 Years, Resident Of Pirnice Colony, Back Side Of Hindustan Metal, Dayanand Colony, Baran, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Shri Vijay Piplani Son Of Shri Badri Lal Piplani, Resident Of Krishna Colony, Baran District Baran, Rajasthan.

-----Respondents

**S.B. Criminal Misc. (Petition) No. 3271/2024**

1. Naresh Sharma Son Of Shri Janki Prasad Sharma, Resident Of 79A, Raj Nagar Bazariya, Sawaimadhopur, District Sawaimadhopur, Rajasthan.
2. Sharad Sharma Son Of Shri Rambabu Sharma, Resident Of Shri Ji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.
3. Rohit Sharma @ Bittu Sharma Son Of Shri Satya Narayan Sharma, Resident Of Near Sunaro Ka Nohra, Choumukha Bazar, Baran, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Shri Kamal Rathore Son Of Shri Dhanna Lal, Aged About 35 Years, Resident Of Rajpura Ward , Satsang Bhawan Road, Baran, District Baran.

-----Respondents

**S.B. Criminal Misc. (Petition) No. 3545/2024**

Visnu Garg Son Of Shri Duli Chand Garg, Aged About 60 Years, Resident Of Choumukha Bazar, Baran, District Baran, Rajasthan

-----Petitioner



Versus

1. State Of Rajasthan, Through P.p.
2. Shri Kamal Rathore Son Of Shri Dhanna Lal, Aged About 35 Years, Resident Of Rajpura Ward, Satsang Bhawan Road, Baran, District Baran.

-----Respondents

**S.B. Criminal Misc. (Petition) No. 3584/2024**

Manak Chand Son Of Shri Mitthulal Sain, Aged About 50 Years,  
Resident Of Kelwada, District Baran Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Adovocate General Rajasthan.
2. Investigation Officer Maan Singh, Sub Inspector Police Station Kailawada, Baran.

-----Respondents

**S.B. Criminal Misc. (Petition) No. 3985/2024**

1. Vishnu Garg Son Of Shri Duli Chand, Aged About 60 Years, Resident Of Maladevi Mohalla, Chaumukha Bazar, Baran, Rajasthan.
2. Manju Grg Wife Of Shri Vishnu Garg, Aged About 56 Years, Resident Of Maladevi Mohalla, Chaumukha Bazar, Baran, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Shri Anil Kumar Gupta Son Of Shri Mohan Lal Gupta, Aged About 58 Years, Resident Of Bapji Nagar, Baran, Presently Posted As Principal Government Senior Secondary School, Sundlak (Peeo), Baran, District Baran

-----Respondents

**S.B. Criminal Misc. (Petition) No. 4234/2024**

Rinkle Gupta W/o Shridharam Chand Gupta, Aged About 33 Years, R/o House No.16, Sector-1, In Front Of Hanuman Temple, Mahaveer Nagar Vistar, Kota, Rajasthan.

-----Petitioner



1. State Of Rajasthan, Through P.p.
2. Vijay Piplani S/o Shribadrilalpiplani, R/o Krishna Colony, Baran, District Baran, Rajasthan.

-----Respondents

**S.B. Criminal Misc. (Petition) No. 4477/2024**

Pramod Jain Bhaya Son Of Shri Ummaid Mal Jain, Aged About 58 Years, Resident Of Shriji Chowk, Police Station Kotwali Baran, District Baran, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Shri Shiv Raj Mahawar Son Of Shri Ram Dayal Mahawar, Resident Of Karni Kunj Vihar Colony, Atru Road, Baran, Rajasthan.

-----Respondents

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|                   |   |                                                                                                                                                                                                                                                                                         |
|-------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner(s) | : | Mr. Madhav Mitra, Sr. Adv. with<br>Ms. Jaya Mitra<br>Mr. Veerendra Singh<br>Mr. Rajendra Sharma<br>Mr. Rahul Tiwari<br>Ms. Simran Bharti for<br>Mr. Abdul Kalam Khan                                                                                                                    |
| For Respondent(s) | : | Mr. Manoj Sharma, AAG with<br>Ms. Pooja Sharma<br>Mr. S.M. Sharma<br>Mr. Naman Pareek, ASAGC<br>Mr. Rakesh Kumar Bairwa<br>Mr. Omendra Singh, Dy. S.P., Baran<br>Mr. Manish Gupta<br>Mr. Avtar Singh Rathore,<br>Mr. Shiv Lal Meena<br>Ms. Ayushi Shrivastava for<br>Mr. DK Shrivastava |

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**HON'BLE MR. JUSTICE SAMEER JAIN**

**Judgment**

**Reserved on :: 29/04/2025**

**Pronounced on :: 1 /05/2025**

**REPORTABLE :**

1. Since the instant batch of petitions raises common questions of law and fact, and in view of the consent accorded by



the learned counsel appearing for the respective parties, all the petitions are being heard conjointly and are being disposed of by means of this common judgment, to avoid multiplicity of proceedings and to ensure judicial economy.

2. The principal as well as incidental reliefs sought by the petitioners in the present set of petitions relate to the issuance of appropriate directions for consolidation and joint investigation of all thirteen First Information Reports (hereinafter referred to as the 'impugned FIRs'). The petitioners have prayed that the said FIRs be clubbed and the investigation thereof be entrusted to a single investigative agency functioning under the supervision of an Indian Police Service (IPS) officer, who is posted in any district of the State of Rajasthan, excluding the districts of Baran and Jhalawar. The petitioners have further prayed that any additional FIRs, if registered in connection with the same subject matter, be also transferred to and investigated by the said authority to ensure consistency and impartiality in the investigation process.

3. In the alternative and/or additionally, the petitioners have invoked the inherent powers of the Court under Section 482 of the Code of Criminal Procedure, 1973 (now corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), seeking quashing of the impugned FIRs along with all consequential proceedings arising therefrom. It is contended that the FIRs in question are registered on vague, indefinite, and unsubstantiated allegations, and are founded upon mere conjectures and assumptions, thereby constituting an abuse of the process of law.



**SUBMISSIONS BY THE LEARNED COUNSEL APPEARING ON  
BEHALF OF THE PETITIONERS :-**

4. Learned Senior Counsel Shri Madhav Mitra, ably assisted by learned counsel Ms. Jaya Mitra along with Shri Rajendra Sharma, Shri Rahul Tiwari, and other counsel appearing, submitted on that the present batch of petitions arises out of a common factual backdrop pertaining to a former Member of the Legislative Assembly (MLA), who has previously held the portfolios of Minister of Mines, Petroleum, and Gopalan in the State of Rajasthan.

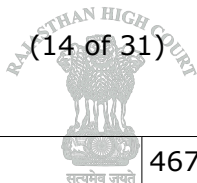
5. It was contended that immediately after the conclusion of the Rajasthan Legislative Assembly Elections, 2023, and consequent to the petitioner being unsuccessful therein and no longer being affiliated with the ruling political party, a series of FIRs came to be registered against him, his relatives, friends, and associates. It was alleged that these FIRs were lodged with a political motive and under the influence of the newly elected ruling party. The petitioners have placed on record the material particulars of the said FIRs, which are reproduced herein for the sake of brevity.

| S.No. | Case No. with title                                                  | FIR No. | Police Station     | Sections                                                                                                    | Name of Complainant    | Status              |
|-------|----------------------------------------------------------------------|---------|--------------------|-------------------------------------------------------------------------------------------------------------|------------------------|---------------------|
| 1.    | S.B. Criminal Misc. Petition No.7852/2024 Hussain Mohammad Vs. State | 05/2024 | Kishanganj (Baran) | 384, 386, 379, 327, 413, 447, 427, 504, 506 & 120B of IPC and Section 4/21 Mines and Minerals Act, 1957 and | Tola Ram S/o Mohan Lal | Under investigation |

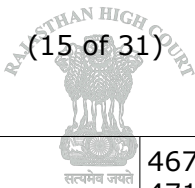


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|---|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------|
|   |                                                                        |                                                                                                                                 |                                                                                                                                      | Section 3(1)(f), 3(1)(g) of SC/ST Act 1989                                                                                                             |                                                 |                                   |
| 2 | S.B. Criminal Misc. Petition No.266/2024 Pramod Jain Bhaya Vs. State   | 02/2024                                                                                                                         | Anta (Baran)                                                                                                                         | 420, 406, 467, 468, 471 & 120B IPC                                                                                                                     | Rameshwar Khandelwal S/o Shri Mool Chand Gupta  | Prima facie proved. Interim order |
| 3 | S.B. Criminal Misc. Petition No.312/2024 Ankit Bordiya Vs. State       | 08/2024                                                                                                                         | Kotwali Baran                                                                                                                        | 420, 384, 413, 426, 379 & 120B of IPC                                                                                                                  | Dilip Shakyawal S/o Sh. Durga Shankar Shakyawal | Under investigation               |
| 4 | S.B. Criminal Misc. Petition No.321/2024 Chiranjan Pathak Vs. State    | 05/2024                                                                                                                         | Kishanganj (Baran)                                                                                                                   | 384, 386, 379, 327, 413, 447, 427, 504, 506 & 120B of IPC and Section 4/21 Mines and Minerals Act, 1957 and Section 3(1)(f), 3(1)(g) of SC/ST Act 1989 | Tola Ram S/o Mohan Lal                          | Under investigation Interim order |
| 5 | S.B. Criminal Writ Petition No.1102/202 4 Pramod Jain Bhaya Vs. State  | 02/2024, 08/2024, 05/2024, 54/2024, 57/2024, 60/2024, 75/2024, 268/202 4, 271/202 4, 272/202 4, 204/202 4, 205/202 4, 205/202 3 | Anta, Kotwali Baran, Kishanganj, Kelwara, Kelwara Mangorl, Kelwara, Kotwali Baran, Kotwali Baran, Kotwali Baran, Anta, Anta, Mangrol |                                                                                                                                                        |                                                 | Under investigation               |
| 6 | S.B. Criminal Misc. Petition No.1417/202 4 Pramod Jain Bhaya Vs. State | 08/2024                                                                                                                         | Kotwali Baran                                                                                                                        | 420, 384, 413, 426, 379 & 120B of IPC                                                                                                                  | Dilip Shakyawal S/o Sh. Durga Shankar Shakyawa  | Under investigation               |
| 7 | S.B. Criminal                                                          | 02/2024                                                                                                                         | Anta (Baran)                                                                                                                         | 420, 406,                                                                                                                                              | Rameshwar                                       | Prima facie                       |





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|----|-----------------------------------------------------------------------------|----------|-----------------|--------------------------------------------------------------------------------|------------------------------------------|-------------------------------------|
|    | Misc. Petition No.1484/2024 Pramod Jain Bhaya Vs. State                     |          |                 | 467, 468, 471 & 120B IPC                                                       | Khandelwal S/o Shri Mool Chand Gupta     | proved. Interim order               |
| 8  | S.B. Criminal Misc. Petition No.1719/2024 Chitrnanjan Pathak Vs. State      | 57/2024  | Kelwara         | 384, 420, 406 & 34 IPC                                                         | Murari Lal S/o Shri Lakshman             | Under investigation                 |
| 9  | S.B. Criminal Misc. Petition No.1793/2024 Pramod Jain Bhaya Vs. State       | 60/2024  | Mangrol (Baran) | 420, 467, 468 & 120B IPC                                                       | Om Prakash Nagar S/o Sh. Ram Karan       | Under investigation                 |
| 10 | S.B. Criminal Misc. Petition No.1794/2024 Dharmendra Yadav Vs. State        | 54/2024  | Kelwara         | 420, 406, 467, 468, 471 IPC                                                    | Manak Chand S/o Shri Mitthu Lal Mahajan  | Under investigation                 |
| 11 | S.B. Criminal Misc. Petition No.1939/2024 Kaushal Kishore Rathore Vs. State | 75/2024  | Kelwara         | 448, 379 & 34 IPC and Section 3 of Prevention of Damage to Public Property Act | Lalit Meena S/o Sh. Hemraj Meena         | Under investigation . Interim order |
| 12 | S.B. Criminal Misc. Petition No.2566/2024 Vishnu Garg Vs. State             | 271/2024 | Kotwali Baran   | 384 & 34 IPC                                                                   | Kamal Rathore S/o Shri Dhanna Lal        | Under investigation                 |
| 13 | S.B. Criminal Misc. Petition No.2988/2024 Smt. Urmila Jain Vs. State        | 272/2024 | Kotwali Baran   | 420, 409, 467, 468, 471 and 120B IPC                                           | Vijay Piplani S/o Shri Badri Lal Piplani | Under investigation                 |
| 14 | S.B. Criminal Misc. Petition No.3271/2024 Naresh Sharma Vs. State           | 271/2024 | Kotwali Baran   | 384 & 34 IPC                                                                   | Kamal Rathore S/o Shri Dhanna Lal        | Prima facie proved                  |
| 15 | S.B. Criminal Misc. Petition No.3545/2024 Vishnu Garg Vs. State             | 268/2024 | Kotwali Baran   | 341, 323, 34, 506, 382 and 120 IPC                                             | Kamal Rathore S/o Shri Dhanna Lal        | Under investigation                 |
| 16 | S.B. Criminal                                                               | 54/2024  | Kelwara         | 420, 406,                                                                      | Man Singh,                               | Under                               |



|    |                                                                       |          |               |                                                       |                                                   |                     |
|----|-----------------------------------------------------------------------|----------|---------------|-------------------------------------------------------|---------------------------------------------------|---------------------|
|    | Misc. Petition No.3584/2024 Manak Chand Vs. State                     |          |               | 467, 468, 471 IPC                                     | Dy. Inspector of Police, Kelwara and IO           | investigation       |
| 17 | S.B. Criminal Misc. Petition No.3985/2024 Vishnu Garg Vs. State       | 179/2024 | Baran Sadar   | 420, 409 & 34 IPC                                     | Anil Kumar Gupta S/o Shri Mohan Lal Gupta         | Prima facie proved  |
| 18 | S.B. Criminal Misc. Petition No.4234/2024 Rinkle Gupta Vs. State      | 272/2024 | Kotwali Baran | 420, 409, 467, 468, 471 & 120B IPC                    | Vijay Piplani S/o Shri Badri Lal Piplani          | Under investigation |
| 19 | S.B. Criminal Misc. Petition No.4477/2024 Pramod Jain Bhaya Vs. State | 509/2024 | Kotwali Baran | 420, 409, 467, 468, 471, 408, 379, 471, 201, 120B IPC | Shivraj Mahawar, Bhuwnesh Soni and Jitendra Suman | Prima facie proved  |



6. Elaborating upon the political context, learned counsel submitted that following the change in government in the State of Rajasthan, members and supporters of the ruling party allegedly began misusing state machinery to target and harass prominent opposition leaders, including their friends, supporters, and family members. It was contended that shortly after the formation of the new government, in the early part of the year 2024, a sequence of FIRs began to be registered one after another, implicating several persons affiliated with the opposition party. It was further submitted that a bare reading of the contents of the FIRs reveals that they are based on vague, absurd, and improbable allegations, and that the registration of such FIRs has been actuated by mala fides. The complainants in most of the FIRs are alleged to be supporters of the ruling party, who are in a position of influence over the local police authorities.



7. In light of the foregoing, learned counsel submitted that there exists a genuine apprehension in the minds of the petitioners that the investigation in these matters shall neither be fair nor impartial. It was contended that the investigating agencies are under undue influence and are unlikely to act independently or in accordance with law. Therefore, the petitioners have prayed that, considering the politically motivated nature of the FIRs, either the said FIRs be quashed in exercise of this Court's inherent jurisdiction, or alternatively, necessary directions be issued for clubbing and consolidating the impugned FIRs, directing that a unified investigation be conducted by an officer of the Indian Police Service (IPS), posted in any district of Rajasthan other than Baran and Jhalawar. It was further prayed that any additional FIRs that may be registered in future in connection with the same cause of action may also be investigated by the said authority.

8. By way of illustration, learned counsel submitted that in FIR No. 5/2024 registered at Police Station Kishanganj (Baran) for offences under sections 384, 386, 379, 327, 413, 447, 427, 504, 506 & 120B of IPC and Section 4/21 of Mines and Minerals Act, 1957 and Section 3(1)(f), 3(1)(g) of the SC/ST Act, 1989, the complainant is one Tolaram, who is himself alleged to be a habitual offender involved in illegal mining activities. It was submitted that the said FIR lacks specific details with respect to date, time, or nature of the alleged incident, and is based on vague, unsubstantiated assertions. Despite the lack of clarity and specificity, the FIR was registered nearly one and a half years after the alleged incidents.



9. In FIR No. 2/2024 dated 01.01.2024 registered at Police Station Anta (Baran) for offences under Sections 420, 406, 467, 468, 471 & 120B of IPC, it is submitted that the complainant, Rameshwar Khandelwal, is a known political figure associated with the ruling party. The allegations therein pertain to the alleged manipulation of tender processes by the petitioner – Ex-MLA, purportedly in collusion with the Chairman of the Municipal Corporation, involving alleged irregularities and economic offences. However, learned counsel contended that the said FIR is founded on vague assertions, without any specific allegation or supporting evidence, and is premised on a concocted narrative. It was further submitted that the tenders in question were subsequently cancelled, thereby indicating lack of any criminal intent or wrongdoing.

10. Similarly, with respect to FIR No. 272/2024 dated 02.04.2024 registered at Police Station Kotwali Baran for offences under Sections 420, 409, 467, 468, 471 & 120B of IPC, learned counsel submitted that the complainant therein belongs to the ruling party and lodged the FIR against the petitioner's wife, Mrs. Urmila Jain, just one day prior to the date scheduled for filing of nomination papers for an election in Baran and Jhalawar. The allegations pertain to issuance of *pattas* and possession letters over land purportedly reserved for public use, allegedly issued after a delay of ten years without appropriate explanation. It was submitted that the timing and nature of the allegations clearly suggest political vendetta.



11. In FIR No. 271/2024 dated 02.04.2024 registered at Police Station Kotwali Baran for offences under Sections 384 & 34 of IPC, the complainant is one Shri Kamal Rathore, an Ex-Chairman of the Municipal Council, who is himself facing multiple criminal cases. It is alleged that he has lodged the said FIR based on a concocted and implausible story. Learned counsel submitted that similar allegations and submissions apply to the remaining FIRs as well.

12. In support of the submissions made insofar, learned counsel placed reliance upon a catena of judgments of the Hon'ble Supreme Court, including **Iqbal @ Bala & Ors. Vs. State of UP and Ors.: 2023 (8) SCC 734; State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335, Haji Iqbal @ Bala through S.P.O.A. vs. State of U.P. and ors. (2023) AIR (SC) 3964; Mahmood Ali and Ors. vs. State of UP and Ors.: Criminal Appeal No.2341/2023 decided on 08.08.2023; Amitbhai Anilchandra Shah vs. CBI and Anr.: 2013(6) SCC 348 and T.T. Antony vs. State of Kerala: 2001(6) SCC 181** to submit that multiple FIRs on the same facts against the same individual, particularly arising from political rivalry, are impermissible in law and liable to be quashed.

13. Relying especially upon the decision in **Bhajan Lal (supra)**, it was submitted that if an FIR is registered with malafide intent and where the contents do not disclose any *prima facie* cognizable offence, and the allegations are vague, absurd, and improbable, the same is liable to be quashed under the inherent jurisdiction of the Court.



14. Learned counsel contended that in the facts and circumstances of the present case, the legal principles enunciated in the aforementioned precedents are squarely applicable. It was asserted that the impugned FIRs lack substance, are politically motivated, and do not inspire any confidence.

15. Finally, it was submitted that permitting the continuance of investigation and prosecution pursuant to such FIRs would be manifestly unjust, frivolous, and vexatious. It was argued that in such cases, it is the duty of the Court to exercise caution and circumspection while examining the contents of the FIRs and, if satisfied that no *prima facie* offence is made out, to quash the same in the interest of justice.

**SUBMISSIONS BY LEARNED COUNSEL FOR THE RESPONDENT-STATE AND COMPLAINANTS :-**

16. *Per contra*, learned Additional Advocate General, Shri Manoj Sharma, appearing on behalf of respondent-State, along with learned counsel for the complainant, Shri Manish Gupta, and other assisting counsels, vehemently opposed the petitions filed by the petitioners. It was contended that the reliefs sought by the petitioners are inherently contradictory and mutually inconsistent in nature. On one hand, the petitioners have prayed for quashing of the impugned FIRs while on the other, they have simultaneously sought the clubbing of FIRs and a unified investigation. Such inconsistent pleas, cannot be entertained by the Court as they are procedurally and jurisprudentially incompatible.

17. Learned counsel further submitted that the impugned FIRs were registered on the basis of distinct and independent



causes of action, each involving different complainants, factual matrix, and offences. The nature of allegations ranges across a wide spectrum including, *inter alia*, illegal mining operations, forging documents related to Nagar Nigam, illegal allotment and sale of public land through fabricated *pattas*, and financial misappropriation in collusion with relatives posted in the Education Department. As such, each FIR is founded on different sets of allegations, and therefore, the plea for clubbing of FIRs is legally untenable.

18. It was further contended that the FIRs were registered at different police stations across different territorial jurisdictions, on varying dates, and concern unlike transactions, witnesses, and evidence. Therefore, the doctrine of sameness, proximity, or continuity, which may in certain circumstances justify a joint or consolidated investigation, does not apply in the present context. Nevertheless, from both a legal and practical standpoint, the clubbing of FIRs is impermissible in the facts and circumstances of the present case.

19. The respondents also argued that although the petitioners have prayed for a fair and impartial investigation by an IPS officer and for the transfer of the investigation outside the jurisdictions of Baran and Jhalawar districts, the petitions are conspicuously silent on any specific allegations of *malafides* against any individual Investigating Officer/Police Officer. No specific incident or factual basis is pleaded to demonstrate bias, partiality, or misconduct on the part of any police officer involved in the ongoing investigations. In the absence of such specific



averments in the petition, the prayer for transfer of investigation is unwarranted.

20. Consecutively, it was submitted that despite the protection granted by interim orders of "no coercive action" by the Court, the petitioners have abstained themselves from joining investigation and rendering cooperation thereto. It was emphasized that in some of the FIRs, the investigation is at a progressive, nascent stage, while in others, it is nearing conclusion, and in such circumstances the non-cooperation of the petitioners, under the shield of interim protection, is hampering and obstructing the lawful investigation process.

21. Learned counsel further submitted that there exists an efficacious and alternative remedy available under the Criminal Procedure Code, whereby the petitioners could have approached the authorities under Section 154(3) Cr.P.C. (now section 173 of B.N.S.S.) for redressal of grievances related to the investigation. However, bypassing the statutory remedy, the petitioners have directly invoked the extraordinary jurisdiction of this Court under Section 428 of Cr.P.C. (now Section 528 of B.N.S.S.) and Article 226 of the Constitution of India which is impermissible in law without exhausting the alternative remedies available under the statute as available under the provisions of Section 210 Cr.P.C. (now Section 233 of B.N.S.S.).

22. It was also argued that the petitioners cannot, as a matter of right, dictate the manner in which an investigation should be conducted or demand that a specific Investigating Officer of their preference be appointed. The prerogative to



determine the composition of the investigating team lies solely with the investigating agency, which is guided by statutory provisions and administrative considerations. The investigating authorities are already conducting a detailed inquiry, which includes recording of statements under Section 161 Cr.P.C., collection of documentary and scientific evidence, and interrogation of the concerned parties. It was submitted that the Court ought not to take a microscopic or speculative view at this preliminary and nascent stage of investigation or interfere with the procedural autonomy of the investigating agency based merely on unsubstantiated apprehensions or assumptions of the petitioners.

23. In support of the afore-stated contentions, learned counsel placed reliance on various authoritative pronouncements of the Hon'ble Supreme Court, *inter alia* **Surendra Kaushik v. State of U.P., (2013) 5 SCC 148; Ramveer Upadhyay v. State of U.P., (2022 SCC OnLine SC 484); T.T. Antony v. State of Kerala and ors., (2001) 6 SCC 181; Sakiri Vasu Vs. State of Uttar Pradesh and ors., (2008) 2 SCC 409; and Romila Thapar and ors. Vs. Union of India, (2018) 10 SCC 753.**

24. In light of the foregoing submissions, it was prayed that the writ petitions filed by the petitioners be dismissed with exemplary costs. It was further prayed that the interim orders earlier granted by the Court, which are obstructing the progress of investigation due to the petitioners' continued non-cooperation, be vacated forthwith to enable the investigating agency to proceed unimpeded in accordance with law.



### **DISCUSSION AND FINDINGS :-**

25. Having heard the rival arguments advanced by the learned counsel for all the parties, upon a perusal of the material available on record, scanning the judgments cited at the Bar and juxtaposing the contentions noted herein above, this Court at the outset deems it apposite to jot down the indubitable qua the present batch of petitions:

25.1 That one of the petitioners i.e. Shri Pramod Jain Bhaya, is a former Member of the Legislative Assembly and an erstwhile Cabinet Minister in the State Government, who faced an electoral defeat in the year 2023.

25.2 That subsequent to his exit from public office, a series of FIRs were lodged by various complainants across multiple jurisdictions alleging grave offences such as criminal forgery, financial misappropriation, fabrication of public records, and illegal mining activities, issuance of forged *pattas* purportedly committed by the petitioner in connivance with his close relatives, friends, and supporters holding influential positions.

26. While learned counsel for the petitioners has urged that the registration of these FIRs is inordinately delayed and actuated by ulterior motives, the learned Additional Advocate General has countered by submitting that during the petitioner's incumbency as a Cabinet Minister, owing to his political stature and influence, the complainants were unable to approach the authorities or have their grievances redressed. In such circumstances, lying emphasis on the famous saying - *vigilantibus non dormientibus jura subveniunt* meaning that the law aids the vigilant, not those who



slumber on their rights, it is deduced that the complainants at the most possible juncture have lodged the FIRs and the delay in lodging of FIRs, by itself, cannot be a ground for quashing, particularly when the allegations pertain to serious economic offences. In this regard reliance is placed upon the ratio encapsulated in **Dinesh Sharma vs. Emgee Cables and Communication Ltd. And anr. @ SLP (CrI.) No. 10744-10745/2023 (2025 INSC 571).**



*"23. A profitable reference can be made to the case of Parbatbhai Ahir v. State of Gujrat and Anr. 2017 (9) SCC 641 wherein it was observed that economic offences by their very nature lie beyond the domain of mere dispute between private parties and the High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance. Thus, it can be concluded that economic offences by their very nature stand on a different footing than other offences and have wider ramifications. They constitute a class apart. Economic offences affect the economy of the country as a whole and pose a serious threat to the financial health of the country. If such offences are viewed lightly, the confidence and trust of the public will be shaken.*

*24. It is true that there is a growing tendency of parties to rope in their counterparts to harass and extract monetary transaction, it is the duty of the Court to consider the facts of each case, in its proper perspective and then to arrive at the conclusion as to whether the case warrants investigation or the proceedings are required to be quashed. The peculiar facts and circumstances of the present case warrants thorough investigation as there was a huge amount involved. As we have already stated that when the petitioner approached the High Court for quashing of the FIR, the investigation was at its initial stage and subsequent to filing of the present Special Leave Petition in this Court it seems that the investigation was concluded by filing the chargesheet."*



27. A careful perusal of the record reveals that the impugned FIRs are registered, each concerning distinct and independent allegations, involving different witnesses, different documents, and separate causes of action. These FIRs are not interconnected by a common thread of fact, transaction, or occurrence. Hence, the doctrine of sameness as enunciated in **Amitbhai Anilchandra Shah (Supra)** and **Surendra Kaushik (Supra)** is not applicable. The legal threshold of nexus *inter se* or *res gestae*, a continuing transaction forming one chain of events is not satisfied. Further, it is noteworthy that only those FIRs can be clubbed together which arise out of same transaction and when the 'test of sameness' is proved, however, in the matter in hand the allegations leveled in the FIRs per se makes it unambiguous that they do not arise out of the same transaction. Therefore, the prayer for clubbing of FIRs is without legal foundation and is accordingly rejected.

28. In light of the above, this Court finds no merit in the submission made by the learned counsel for the petitioners for clubbing of FIRs or conducting a joint investigation. The cause of action being distinct, and the offences being registered at different police stations involving separate incidents. Moreover, it is a settled principle of law that *actus separat, jus separate* meaning separate acts create separate legal rights and liabilities.

29. As regards the petitioner's prayer for transfer of investigation and for entrusting the same to a single high-ranking IPS officer to ensure fairness, it is pertinent to note that the petitions do not allege any specific *malafides* or bias against any



named Investigating Officer. No concrete incident, act, or omission is brought on record, nor have the concerned officers been impleaded as parties to the proceedings. The law requires that for an allegation of malafide to be sustained, it must be pleaded with specificity and supported by material facts. In the absence of *mens rea*, or a demonstrable element of ill-intention, such a prayer cannot be entertained. Furthermore, it is also noted that several Investigating Officers have since been transferred or reassigned. No representation appears to be made to the higher police authorities, and no formal complaint against the investigation process is on record.

30. As per the settled principles laid down in the ratio encapsulated in the judgment of **Romila Thapar (Supra)**, the accused has no *locus standi* to dictate or choose the Investigating Officer, unless the process is vitiated by apparent bias or illegality. The right to fair investigation is sacrosanct, but it does not imply the right to tailor or manipulate the course of investigation. The relevant extract from the afore-relied judgment is reproduced herein below:

**"30. In view of the above, it is clear that the consistent view of this Court is that the Accused cannot ask for changing the Investigating Agency or to do investigation in a particular manner including for Court monitored investigation. The first two modified reliefs claimed in the writ petition, if they were to be made by the Accused themselves, the same would end up in being rejected. In the present case, the original writ petition was filed by the persons claiming to be the next friends of the concerned Accused (A16 to A20). Amongst them, Sudha Bhardwaj (A19), Varvara Rao (A16), Arun Ferreira (A18) and Vernon Gonsalves (A17) have filed signed statements praying that the reliefs claimed in the subject writ petition be treated as their writ petition. That**



*application deserves to be allowed as the Accused themselves have chosen to approach this Court and also in the backdrop of the preliminary objection raised by the State that the writ Petitioners were completely strangers to the offence under investigation and the writ petition at their instance was not maintainable. We would, therefore, assume that the writ petition is now pursued by the Accused themselves and once they have become Petitioners themselves, the question of next friend pursuing the remedy to espouse their cause cannot be countenanced. The next friend can continue to espouse the cause of the affected Accused as long as the concerned Accused is not in a position or incapacitated to take recourse to legal remedy and not otherwise."*

*(Emphasis laid)*

31. Nevertheless, the Coordinate Bench of this Court in **SB Criminal Petition No. 867/2024** titled as **Manju Garg v. State of Rajasthan**, vide order dated 20.04.2024, has held that the nature and gravity of allegations, involving public exchequer fraud, misuse of official capacity, and systemic collusion, warrant an unimpeded and full-fledged investigation. The Court cannot enter into a roving enquiry or undertake a microscopic evaluation of the factual matrix at the pre-trial stage. The relevant extract from the said dictum is reiterated herein below:

*"6. This Court finds that allegations levelled against the petitioner in the impugned FIR are of serious nature and constitute commission of cognizable offence. Whether allegations made in the FIR against the petitioner are correct, genuine or true, is subject matter of investigation and the plea sought to be taken by the petitioner before this Court in respect of explaining her absent in the school at the time of inspection and deputation of alleged dummy teachers, by the School Management Samiti and not by the petitioner, can also be considered by the Investigating Officer. At this stage, without investigation of allegations made in the FIR, it cannot be said that involvement of petitioner in the present FIR is improbable or allegations have been levelled manifestly attended with mala fides, with an ulterior*



*motive either for wreaking vengeance or to settle personal grudges. It cannot be held that if allegations made in the FIR are taken on their face value, they do not prima facie constitute any offence or do not make out a case against the petitioner.*

*7. The contours of powers to quash the criminal proceedings by the High Court under Section 482 Cr.P.C. are well defined in various judgments passed by the Hon'ble Supreme Court. In case of V. Ravi Kumar Vs. State [(2019)14 SCC 568], the Hon'ble Supreme Court held that it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of allegations made in the complaint.*

*8. In case of M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra, [2021 SCC OnLine SC 315], the Apex Court elaborately considered the scope and extent of powers under Section 482 Cr.P.C. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases. It was further observed that while examining the FIR/ complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of allegations made therein. The parameters laid down by the Apex Court in celebrated judgments delivered in cases of R.P. Kapur vs. State of Punjab [AIR 1960SC 866] and State of Haryana Vs. Choudhary Bhajan Lal [1992 Supp. (1) SCC 335] have been reiterated."*

32. Consequently, this Court is not inclined to accept the contention that the FIRs are baseless or actuated by malafides, nor does it find sufficient grounds to exercise its extraordinary jurisdiction under Section 482 Cr.P.C. (Section 528 BNSS) to quash the same where allegations are yet to be tested by a full and fair investigation.

33. The respondents' submission that the petitioner has alternative efficacious remedies under Sections 154(3), 156(3), 200 and 210 Cr.P.C. is well-taken. It is settled law, as held in **Bhajan Lal (supra) and Sakiri Vasu (Supra)**, that the inherent jurisdiction of the High Court under Section 482 Cr.P.C. should not



be exercised when statutory remedies remain unexhausted. The relevant extract from the ratio enunciated in **Sakiri Vasu (Supra)** is reiterated herein below:



*"27.As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation and for this purpose he can monitor the investigation to ensure that the investigation is done properly (Though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the Police, or after being registered, proper investigation has not been done by the Police. For this grievance, the remedy lies under Section 36 and 154(3) before the Police officers concerned, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C."*

34. Nevertheless, the reliance placed by the learned counsel for the petitioners upon the ratio enunciated in **Arnab Goswami Vs. Union of India and ors. : (2020) 14 SCC 51 and Amitbhai Anilchandra Shah (Supra)**, is untenable as therein, the FIRs so clubbed were arising out of 'same transactions'; that the petitioners herein have approached at a nascent juncture and in the relied upon dictums the factual narrative is distinguishable, as therein the petitioners had approached at the stage of filing of charge-sheet.

35. Therefore, this Court is constrained to hold that the pleas raised by the petitioner are not only premature but also legally unsustainable. Therefore, while taking note of the legal principle *fiat justitia ruat caelum* meaning let justice be done though the heavens fall; the allegations, involving suspected



large-scale forgery, embezzlement, and abuse of official position, implicating various public departments and functionaries, this Court is of the view that the FIRs in question demand a thorough and unhampered investigation which is already at a full swing in the instant matter.

**CONCLUSION:-**

36. In view of the foregoing discussion and in consonance with the settled legal principles:

36.1 The prayer for quashing of FIRs is hereby rejected, primarily on the ground of contradictory and mutually exclusive reliefs prayed for by the petitioner—seeking both a unified fair investigation and simultaneous quashing, which are legally irreconcilable.

36.2 The prayer for transfer of investigation to a single IPS-ranked officer is also rejected, as the petitioner cannot claim such a privilege in the absence of any demonstrated mala fide, particularly when the FIRs relate to different transactions, filed at different locations involving separate investigating agencies.

37. However, considering the interest of justice and the principle of *audi alteram partem*, the petitioners are directed to cooperate and join the investigation in each FIR within a period of ten days from the date of pronouncement of this judgment. The Investigating Authorities are directed to ensure that the investigation is conducted fairly, impartially, and strictly in accordance with law, taking into account the defense submissions, documents, and materials produced by the petitioners, to unearth the complete and truthful facts.



38. In view of the above, the instant batch of petitions being bereft of any merits stand dismissed. No orders are made as to costs. All pending applications, including stay applications, if any, stand disposed of.



Preeti Asopa

(SAMEER JAIN),J