



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

S.B. Criminal Misc(Pet.) No. 2783/2022

1. Hitesh Vyas
2. Arvind
3. Khimanshu Gehlot

-----Petitioners

Versus

State Of Rajasthan, Through Pp

Mohammad Idrish Bailim S/o Haji Mohammad Ismile  
Bailim, B/c Musalman, R/o 306, 1St Kamla Nehru Nagar,  
Jodhpur.

-----Respondents

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|-------------------|---|-----------------------------------|
| For Petitioner(s) | : | Mr. Moti Singh, Mr. Kapil Purohit |
| For Respondent(s) | : | Mr. Vikram Sharma, PP             |

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**JUSTICE DINESH MEHTA**

**Order**

**17/05/2022**

1. Mr. Moti Singh, learned counsel for the petitioners, submits that for the incident that had taken place at about 11.00 p.m. on 02.05.2022 at Jalori Gate Chouraha, Jodhpur, apart from a number of private FIRs, the SHO, Sardarpura has already lodged an FIR being FIR No.113/2022 and, therefore, for the same incident, the impugned FIR No.127/2022, which has been lodged by complainant belatedly after three days, is an after thought attempt to ward off proceedings against guilty persons, being a counter blast.



2. He argues that the very registration of the subsequent FIR is barred by the principle laid down by Hon'ble the Supreme Court in a host of decisions, laying down that for one incident another subsequent or more FIRs cannot be registered.

3. While maintaining that investigation pursuant to the second FIR, which is impugned in the instant petition cannot take place, learned counsel submits that in the name of investigation of the contentious FIR, the petitioners, who were not even present at the time and place of incident, are being harassed and are likely to be apprehended.

3. Having regard to the facts and circumstances of the case, the Investigating Officer is directed to remain present with case diary and CCTV Footage of the incident (if any) on 23.05.2022.

4. The matter shall be taken up at 11.00 a.m. on 23.05.2022.

5. Till then, the petitioners shall not be arrested in connection with FIR No.127/2022, P.S. Sardarpura, Jodhpur.

**(DINESH MEHTA),J**

224-skm/-

सत्यमेव जयते