


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

S.B. Criminal Writ Petition No. 297/2026

Bharat Kumar Dave S/o Suresh Chandra Dev, Aged About 39
Years, Bhainsa Kamed District Rajsamand Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Pp
2. Jairaj Kalosiya, Presently Working On The Post Of
Jamadar Nagar Parishad Kankroli District Rajsamand Raj.

-----Respondents

For Petitioner(s)	:	Mr. Yogendra Singh Charan
For Respondent(s)	:	Mr. Muktesh Maheshwari Mr. Dinesh Godara Mr. S.R. Choudhary
Present-in-Person	:	Mr. Rohit Chawla, Dy.SP., SC/ST CO, Rajsamand

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/01/2026

1. DyS.P. Rohit Chawla, who is conducting the investigation in the present matter, is present in person before this Court along with the case diary.
2. Learned counsel for the petitioner, Shri Yogendra Singh Charan, showed before this Court a video clip wherein five to six persons are seen forcibly restraining the petitioner, while the witness Jairaj is allegedly inflicting fist and kick blows upon him. The said persons were identified by the Investigating Officer before this Court. When queried with regard to the said incident, the Investigating Officer initially attempted to explain that a separate FIR had been registered at the instance of the

petitioner. However, with some reluctance, he fairly admitted that the incident depicted in the video and the incident forming the subject matter of the impugned FIR are one and the same, though two separate FIRs have come to be registered narrating two different versions of the same occurrence.

2.1 Significantly, the video clip shown before this Court depicts the peon allegedly assaulting the petitioner. Learned counsel for the petitioner submits that the Investigating Officer earlier declined to even accept the said video, allegedly to prevent the truth from surfacing, and that political considerations on part of the Chairperson and Executive Officer are influencing the course of investigation. It is alleged that an ornamental narrative is being built by selectively recording facts, while inconvenient material is being ignored.

2.2. The petitioner had earlier approached this Court by way of a criminal miscellaneous petition seeking quashing of the FIR. The said petition came to be dismissed as withdrawn. However, while permitting withdrawal, the Coordinate Bench of this Court granted liberty to the petitioner to submit a detailed representation to the Investigating Officer, raising all grounds which were urged in the petition, and further directed the Investigating Officer to consider the same objectively and thereafter reach a legitimate conclusion of investigation.

2.3. While going through the case diary, this Court noticed presence of representation moved on behalf of the petitioner and it is also observed that nothing has been done except to attach the representation with the case file.

2.4 The petitioner further contends that when his representation itself was not considered, forming a preconceived opinion that the offence is "proved" reflects a predetermined mindset. It is urged that the Investigating Officer had conveyed to the petitioner's counsel that the offence stands established and arrest is imminent, leaving the petitioner with no efficacious option except to once again approach this Court. Personal liberty, it is argued, cannot be jeopardized without due and fair consideration of material placed on record.

3. Learned counsel for respondent No.2, Shri Muktesh Maheshwari, and learned counsel Shri D.K. Godara, vehemently oppose the prayer. It is urged that once the petitioner has withdrawn the misc. petition seeking the same prayer, then he is not entitled to get any relief from this Court. It is further argued that the petitioner is repeatedly attempting to stifle the course of investigation. As per him, at the time of hearing of a petition seeking quashing of the FIR, the Court is not supposed to sift and weigh the evidence collected during investigation, rather the only thing required to be seen is to see whether from the bare perusal of the FIR, commission of cognizable offence is made out or not and here in this case the same is blatantly discovering. He drew the attention of this Court to the allegations in the FIR regarding caste-based abuses and injuries caused to the complainant, Chairperson, and Executive Officer, he thus prayed for rejection of the prayer.

4. This Court has minutely gone through the material collected during the course of investigation and is conscious of the aforesaid submissions and accords due weightage to them.

4.1 After hearing the counsel for the petitioner and counsel for the complainant, learned counsel for the State and the Investigating Officer of this case, it transpires that a decision was taken by the Municipal Council, Rajsamand, regarding change of name of a road. The petitioner claims to be a vigilant citizen and social worker, who protested at the site on the ground that the proposed change pertained to a historical personality. What followed appears to be a scuffle between the Chairperson, Executive Officer, the petitioner, and his associates. It is alleged that some associates of the petitioner have criminal antecedents.

4.2 The FIR has been lodged by the Chairperson, Executive Officer, and a Class-IV employee, Jairaj (peon), alleging of causing hurts to them, restraining them and preventing and deterring them from discharging their official duties and so also staining them from the use of ink. At the same time, there are allegations that the peon Jairaj was also humiliated and intimidated by hurling casteist slurs.

4.3 The aspect raised by Shri Maheshwari and as on date, this Court feels that prima facie, allegations regarding causing of injuries and obstruction of public servants in discharge of official duties are discernible and prima facie appears to be proved to proceed further in the matter. This Court's present concern is confined to the invocation of Section 3 of the SC/ST Act, the

applicability whereof shall be examined at an appropriate stage after the investigation is concluded.

4.4 At the first instance, the Investigating Officer stated before this Court that the offence stood proved against the petitioner and that his arrest was contemplated. However, when confronted with the existence of the representation and the directions of the Coordinate Bench, the Investigating Officer took a complete U-turn and sought time to re-examine the factual matrix in light of the averments made therein.

4.5 The Investigating Officer further stated that the petitioner has not appeared before him for recording of his statement or explanation in the impugned FIR. On the other hand, the petitioner expresses a genuine apprehension of arrest, particularly in view of the invocation of provisions of the SC/ST (Prevention of Atrocities) Act, which are non-bailable in nature.

4.6 This Court also notes that the directions of the Coordinate Bench requiring consideration of the petitioner's representation ought to have been complied with prior to forming any opinion regarding arrest.

5. In ordinary human conduct and common parlance, this Court finds substance in the submission that when an offence occurs, there is usually some underlying cause or nexus. The peon, admittedly, had no authority either to effect or prevent the change of name of the road. The petitioner had no prior acquaintance or animosity with the victim, Jairaj, a peon. The question as to why the petitioner would single out the peon for caste-based abuse, in

absence of any apparent motive, is a serious aspect requiring careful consideration.

6. This Court is mindful that in any incident, there may exist two competing narratives, which appears to be the reason for registration of two FIRs in the present case. When the version in the impugned FIR and the visual evidence placed before this Court appear prima facie divergent, the matter requires investigation with heightened objectivity.

7. In these circumstances, since the earlier petition stood dismissed as withdrawn, this Court deems it appropriate to await a reasoned decision of the Investigating Officer on the petitioner's representation. The video recording capturing the crime scene was taken live, and the Investigating Officer has duly acknowledged and accepted that the said video indeed pertains to the scene of occurrence. It is further admitted that no other video recording of the incident is available on record. In such circumstances, a crucial question arises for consideration during the course of investigation is that on the one hand, there exist bald, vague and unsubstantiated allegations, while on the other hand, there is a live visual depiction of the crime scene itself. It is the bounden duty of the Investigating Officer to objectively evaluate and weigh both forms of material and arrive at a logical, legitimate and reasoned conclusion. Where two FIRs emanate from the same incident and are intrinsically connected, propriety and fairness demand that they be clubbed together and investigated conjointly, so as to avoid conflicting conclusions. The manner in which the investigation has proceeded thus far gives rise to a palpable

apprehension of bias, which cannot be ignored by this Court while examining the fairness and credibility of the investigative process.

8. This Court is vested with inherent powers under the scheme of the Code of Criminal Procedure, apart from the constitutional mandate flowing from Articles 14 and 21 of the Constitution of India. Such powers are meant to ensure that the process of law is not permitted to be used as an instrument of oppression or harassment. Where the Court finds that the criminal machinery has been set into motion with oblique motives, or that the process of law is being abused or misused, it becomes not only the power but the bounden duty of the Court to intervene. The inherent jurisdiction exists precisely to prevent miscarriage of justice and to secure the ends of justice, particularly when continuance of such proceedings would result in unwarranted infringement of the fundamental right to life and personal liberty. The sanctity of criminal law cannot be allowed to be diluted by permitting vexatious or mala fide proceedings to continue under the garb of due process.

9. In view of the conflicting versions and seriousness of allegations, it is further directed that the Superintendent of Police shall appoint an Additional Superintendent of Police or a senior officer to supervise or conduct further investigation, if deemed appropriate, to ensure fairness and public confidence.

10. Accordingly, the petitioner is directed to appear before the Investigating Officer on or before 10.02.2026. The Investigating Officer shall record the petitioner's statement and his explanation.

The representation shall be duly considered, and the entire material including the video clip shall be examined objectively.

11. Learned counsel for the petitioner is directed to submit the said video clip, duly certified, before the Investigating Officer forthwith. The Investigating Officer admits that no investigation on this aspect has been conducted so far, as the video was not earlier available with him.

12. The petitioner shall not be arrested in this matter till the next date of hearing and until a fair conclusion of investigation is reached.

13. List the matter on 16.02.2026.

(FARJAND ALI),J