



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

S.B. Criminal Misc(Pet.) No. 4688/2024

Sumta W/o Shri Raju Ram, Aged About 39 Years, R/o C-46,
Passharvanath City, Dist. Jodhpur.

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Vijay Raj Bishnoi.
For Respondent(s) : Mr. Vikram Sharma, PP.

HON'BLE MR. JUSTICE ARUN MONGA

Order(Oral)

22/07/2024

1. Petitioner is before this Court seeking quashing of an FIR No.333/2024, dated 06.06.2022, registered under Section 8/21 of the NDPS Act, at Police Station Kudi Bhagtasani, District Jodhpur.
2. The petitioner is stated to be a 39-year-old housewife and the mother of two minor children. It transpires that in the same very FIR, the investigation was earlier conducted by another Investigating Officer and after summoning the petitioner and interrogating her as well as seeing the material on record a negative final report was prepared. However, before same could be filed before the Competent Court, there was a change of Investigating Officer and he started the investigation against the petitioner De Novo. Without even summoning her to record a fresh statement, she has been arrayed as an accused in the FIR in question.



3. Learned counsel for petitioner submits that merely because there was a change of investigating officer, a fresh investigation cannot be conducted against the petitioner without obtaining appropriate orders from the competent court once the negative final report was prepared.

4. Per contra, the learned Public Prosecutor submits that the investigating officer has ample powers to conduct further investigation before filing the charge-sheet as long as he is convinced that there is criminal culpability attributable to the accused. Therefore, he submits that no interference is warranted by this Court and that the petition should be dismissed.

5. Given the nature of the allegations and the offences committed, i.e., Section 8/21 of the NDPS Act, I am of the view that no interference is warranted to quash the FIR in question as sought herein.

6. Having heard the learned counsel for petitioner and learned Public Prosecutor and after perusing the case file, I am of the view that in the peculiar premise since the petitioner was earlier given a clean chit by the Investigating Officer and a negative final report was prepared, in fairness, if owing to the change of Investigating Officer, he felt that she was required to be interrogated all over again, he should have first given her a prior notice, so as to enable her to seek her remedy qua the same in accordance with law.

7. In the premise, the instant petition is disposed of with a direction to the petitioner that she shall join the investigation and no coercive steps will be taken against her. The investigating



officer shall record her statement in the presence of a lady police official. After doing so, if it is found that the petitioner is either not cooperating or any additional material has emerged against her suggesting her culpability, she shall be given an advance notice of 30 days under Section 41A of the Cr.P.C. to enable her to seek her remedy in accordance with the law.

7. Pending application(s), if any, stand disposed of.

(ARUN MONGA),J

72-/Jitender//-

Whether fit for reporting- Yes / No