

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

S.B. Criminal Misc(Pet.) No. 1079/2026

Om Prakash S/o Shri Ram Chandra, Aged About 59 Years,
Resident Of Pacharwali, Police Station Bhirani, District
Hanumangarh Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Rohtash Kumar S/o Shri Bhoop Singh, Resident Of
Shyoratada, Bhadra, District Hanumangarh Rajasthan

-----Respondents

For Petitioner(s)	:	Mr. Trilok Joshi Mr. Lokendra Singh
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

11/02/2026

The present criminal misc. petition under Section 528 BNSS has been filed by the petitioner for quashing of FIR No.334/2024, registered at Police Station, Bhadra, District Hanumangarh qua him for the offences under Sections 126(2), 115(2), 307, 117(2) & 61(2) of BNS, 2023.

Counsel for the petitioner submits that after the investigation was complete, challan was filed, as there was no involvement of the petitioner an application 189 BNSS was filed by the I.O.

He submits that the same was filed on 17.5.2025 and since then the same is pending consideration.

He submits that although in the application under 189 BNSS was filed by the State, the complainant is seeking time to argue the matter, whereas the complainant has got no say for

consideration of the application under Section 189 BNSS. It is the matter between the State and the alleged accused.

He submits that since the petitioner is a government servant and is due for superannuation on 28.2.2027, pendency of criminal case will certainly have an adverse effect on his retirement benefits. He submits that there is no reason to permit the complainant to take adjournments in the application filed under 189 BNSS.

Learned Public Prosecutor is not in position to dispute that the application filed under Section 189 BNSS is filed by the State, which is to be considered by the learned trial court.

This Court has considered the arguments raised by the petitioner and the necessary order-sheets placed on record.

It seems that since 29.1.2026 the matter is being adjourned.

Looking to the fact that the petitioner is due to superannuate in February, 2027 and certainly pendency of the criminal case would have an adverse effect against him and since it is an application under Section 189 BNSS and no case has been made out against the petitioner, there is no reason to unnecessary keep the matter pending.

In view of the same, the learned trial court is directed to decide the application under Section 189 BNSS within a period of two months from receipt of certified copy of this order.

The misc. petition is disposed of accordingly.

(BALJINDER SINGH SANDHU),J