

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

S.B. Criminal Misc(Pet.) No. 1169/2026

Jagdish Prasad S/o Shri Maganiram, Aged About 52 Years, Ward No. 4, Dadaji Mandir, Village Parsaneu, Rajaldesar, District Churu Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Vimla Devi W/o Shri Mangal Chand Brahmin, Aged About 60 Years, Parsaneu, Rajaldesar, District Churu, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Hinglaj Dan Charan
For Respondent(s)	:	Mr. Ramesh Devasi, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

13/02/2026

Learned counsel for the petitioner submits that the disputed document is an adoption deed dated 24.05.1985. It is contended that the petitioner was born in the year 1979 and was, therefore, about 7-8 years old at the time of the alleged adoption. The adoption deed is stated to be a registered document executed between the natural father, namely Magni Ram, who gave the petitioner in adoption, and Lichma Devi and her husband, who took the petitioner in adoption.

It is submitted that the petitioner, being a minor of about eight years at the relevant time, had no role whatsoever in the execution of the said document. Both the adoptive parents and the natural father have since expired. It is further contended that criminal proceedings cannot be sustained against the petitioner for

the alleged creation or execution of the adoption deed when he was a minor child.

Learned counsel further submits that after due investigation, a negative final report was submitted on 16.07.2024. However, without proper consideration of these aspects, the Learned ACJM , vide order dated 03.09.2025, directed re-investigation, including collection of the original document from Lichma Devi (who has already expired on 20.03.2024) and verification of the her thumb impression.

It is argued that permitting such re-investigation, in the given circumstances, would amount to an abuse of the process of law, particularly when the petitioner was a minor at the time of execution of the document and the principal parties to the adoption deed are no longer alive.

This Court has considered the submissions advanced by learned counsel for the petitioner, the final report dated 16.07.2024, and the order passed by the learned Magistrate dated 03.09.2025. This Court finds substance in the arguments advanced on behalf of the petitioner.

In view of the above, this Court is inclined to interfere in the matter.

Issue notice.

Learned Public Prosecutor accepts notice on behalf of the respondent–State.



[CRLMP-1169/2026]

Let notice be issued to respondent No. 2, returnable within four weeks.

Till the next date of hearing, the effect and operation of the order dated 03.09.2025 shall remain stayed.

(BALJINDER SINGH SANDHU),J

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