

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

S.B. Criminal Misc(Pet.) No. 1480/2026

1. Jagdish S/o Chotha Ram, Aged About 43 Years, R/o Salori, Rajiv Gandhi Nagar, Jodhpur City West, Rajasthan.
2. Dhanna Ram Alias Dharmendra S/o Chotha Ram, Aged About 40 Years, R/o Salori, Rajiv Gandhi Nagar, Jodhpur City West, Rajasthan.
3. Sharvan Ram S/o Chotha Ram, Aged About 36 Years, R/o Salori, Rajiv Gandhi Nagar, Jodhpur City West, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Madan Singh S/o Mool Singh, R/o Basni Sefa, Rajiv Gandhi Nagar, Jodhpur City West, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Sharwan Kumar

For Respondent(s) : Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

27/03/2026

The present criminal misc. petition has been filed by the petitioners under Section 528 of BNSS for quashing of FIR No.38/2026, registered at Police Station Mathania, District Jodhpur City East for offences under Sections 324(2), 329(3) and 189(2) of BNS.

Learned counsel for the petitioners submits that in the present case FIR has been lodged with a malafide intention, wherein it has been stated that petitioners entered in a Government land of rasta and the complainant tried to encroach upon the same and hence, malafidely the present FIR has been registered.

It is further submitted that the Investigating Officer is not investigating in this regard as to whether the alleged land is a government land or not or whether the petitioners has got a right to

way over the same or not. The petitioners want to submit the relevant documents before the Investigating Officer.

He further submits that the earlier for the same cost an FIR No.58/2026 was registered and again on the same facts a fresh FIR has been registered.

In such circumstance, the petitioners seek limited protection that the Investigating Officer should consider all these facts and documents before concluding the investigation.

In view of the same, the present criminal misc. petition is disposed of with the liberty to the petitioners to file detail representation along with all the documents before the Investigating Officer averring therein all the grounds which have been raised in this petition within a period of 07 days from the date of receipt of a copy of this order.

In the event, representation is submitted, the concerned Investigating Officer is directed to minutely and objectively consider the contents of the same. All the relevant documents with the representation shall also be taken into consideration.

Since the documents are to be considered by the Investigating Officer petitioners may not be arrested for 10 days from the date of filing of representation, in connection with FIR No.38/2026, registered at Police Station Mathania, District Jodhpur City East.

With these observations, the present criminal misc. petition stands disposed of.

All pending application(s), if any, stand disposed of.

(BALJINDER SINGH SANDHU),J