

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

S.B. Criminal Misc(Pet.) No. 1666/2026

1. Ashok Kumar Mali S/o Hazarimal Mali, Aged About 36 Years, R/o Near High School Village And Post Khiwandi District Pali Rajasthan.
2. Nenaram Mali S/o Ota Ram Ji Mali, Aged About 44 Years, R/o Balana Road Khiwandi District Pali Rajasthan
3. Shivilal S/o Ota Ram Ji Mali, Aged About 47 Years, R/o Maliyon Ka Bass Khiwandi ,dist District Pali Rajasthan
4. Hansa Ram Mali S/o Paka Ji Mali, Aged About 53 Years, R/o Khiwandi District Pali Rajasthan
5. Champalal S/o Hira Ji, Aged About 71 Years, R/o Khiwandi District Pali Rajasthan
6. Pooran Kumar S/o Shivilal Ji Mali, Aged About 19 Years, R/o Khiwandi District Pali Rajasthan

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Kanta Kumar D/o Champalal Mali, Aged About 27 Years, R/o Wadijav ,khiwanji,tehsil Sumerpur District Pali Rajasthan

-----Respondents

For Petitioner(s) : Mr. Girish Sankhla

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

24/03/2026

The present misc. petition under Section 528 BNSS has been filed by the petitioners for quashing of FIR No.22/2026, registered at Police Station Sumerpur Sadar, District Pali for the offence under Sections 74, 126(2), 115(2) and 189(2) of BNS, 2023.

Counsel for the petitioner submits there was a dispute regarding management of Nimbeshwar Mahadev Temple and the same gave rise to the present dispute. It is submitted that cross-FIR has been registered of the alleged offences and in such

circumstance the petitioners want to submit a representation alongwith the supporting evidence before the Investigating Officer and does not want to press this criminal misc. petition.

Accordingly, this criminal misc. petition is dismissed as not pressed with the liberty sought for. However, if any such representation is filed by the petitioners, it is expected that the Investigating Officer shall consider the same objectively strictly in accordance with law.

It is also submitted that directions be issued to the I.O. to comply with the provisions of Section 35(3) BNSS, as he is not complying with the same.

So far as the contention raised regarding compliance of Section 35(3) BNSS is concerned, Hon'ble Apex Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and Anr., reported in 2026 INSC 115***, has clearly laid down that a notice under Section 35(3) of the BNSS, 2023 to an accused or any individual concerned, qua an offence punishable with imprisonment up to 7 years, is the rule.

In view of the principles laid down by the Hon'ble Apex Court, this Court is not required to pass any further order.

The stay petition as well as all pending application(s) stand disposed of.

(BALJINDER SINGH SANDHU),J