

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

S.B. Criminal Misc(Pet.) No. 2126/2026

Banshi Lal S/o Late Shri Gulab, Aged About 92 Years, R/o Amet,
District Rajsamand, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Navneet Kumar Laddha S/o Shri Rodi Lal Laddha, R/o Chandradeep Colony, Rajnagar, Tehsil Amet, District Rajsamand, Rajasthan.
3. Narayan Singh Rathore S/o Shri Bheem Singh Rathore, R/o Maddi Govaliy, Tehsil Amet, District Rajsamand, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Arpit Saxena for Mr.Tanya Sharma
For Respondent(s)	:	Mr. Vikram Rajpurohit

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

27/03/2026

Learned counsel for the petitioner submits that the present matter arises out of an agreement to sale dated 20.03.2021 and the FIR is infact for non execution of the said agreement which pertains to the sell of the agriculture land of the petitioner. He submits that only a sum of Rs.11,000/- was paid, and apart from that no amount has at all been made. As per the final report no other amount at all was further advanced. Further no amount was ever tendered and thereafter it was mutually agreed between the parties that they would not go further with its agreement.

It is submitted that in any circumstances, the agreement at best may give rise to civil consequences and not a criminal liability. If the agreement is not executed, then the same does not

attract the offences under Sections 420, 406 and 120-B of IPC. and malafidely initiating the proceedings cannot be used as a shortcut to execute the agreement to sale. Infact no amount is at all to be recoverable from the petitioner as the same was never paid and Rs.11,000/- amount was refunded.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble the Supreme Court in the case of ***Radheshyam & Ors. vs. State of Rajasthan & Ors*** reported in ***2024 INSC 1064***

In such circumstance, this Court has gone through the record, the contention of the petitioner are found to be correct in view of the investigation made, the civil suit before the District Judge, Rajasamand is pending consideration for the specific performance of contract. In such circumstance certainly the present case is apparently of civil nature. Hence, this Court is inclined to interfere in the matter.

Admit. Issue Notice.

Learned Public Prosecutor accepts notice on behalf of Respondent- State.

Let notice be issued to respondent No. 2 and 3, returnable within a period of eight weeks.

In the meanwhile and till further proceedings pending in the Court of Judicial Magistrate, Amet, District Rajasamand in Criminal Registered Case No.308/2022 shall remain stayed.

(BALJINDER SINGH SANDHU),J