

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 1962/2026

Pritam Singh Alias Kalu S/o Braham Singh, Aged About 41 Years,
R/o Bodi Wala Bera, Police Station Mata Ka Than, Jodhpur East,
Rajasthan.

-----Petitioner

Versus

1.

State Of Rajasthan, Through The Secretary, Ministry Of Home Affairs, Government Of Rajasthan, Jaipur.
2.

The Commissioner Of Police, Police Commissionerate, Jodhpur.
3.

The Assistant Commissioner Of Police, Jodhpur City East, Jodhpur.
4.

The Station House Officer, Police Station Mata Ka Than, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Shailendra Gwala

For Respondent(s) : Mr. Lalit Kishor Sen, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

06/05/2026

1.

The present S.B. Criminal Misc. Petition under Section 528 of the BNSS, 2023 has been filed for quashing the letter dated 06.01.2016 issued by the Additional Commissioner of Police, Jodhpur City East, Jodhpur, whereby proceedings for opening history-sheet of the petitioner were initiated under the Rajasthan Police Rules, 1965 and the Rajasthan Habitual Offenders Act, 1953.
2.

The details of cases registered against the petitioner are as under:-

Sr. No.	FIR No.	Sections	Police Station	District	Status
01	182/2008	U/s 143, 341, 324 of IPC	Mandore	Jodhpur	Pending Trial
02	158/2011	U/s 19/54 Excise Act	Mandore	Jodhpur	Pending Trial
03	170/2011	U/s 19/54 Excise Act	Mandore	Jodhpur	Pending Trial
04	14/2012	U/s 451, 323, 34 of IPC	Mandore	Jodhpur	Pending Trial
05	84/2013	U/s 420 of IPC	Mahamandir	Jodhpur	Pending Trial
06	11/2013	U/s 8/21 of NDPS Act	Banar	Jodhpur	Acquitted

Sr. No.	FIR No.	Sections	Police Station	District	Status
07	37/2014	U/s 8/21 of NDPS Act	Mathaniya	Jodhpur	Pending Trial
08	172/2014	U/s 452, 323, 379 of IPC	Mandore	Jodhpur	Pending Trial
09	259/2014	U/s 143, 341, 323, 427 of IPC	Mandore	Jodhpur	Trial Pending
10	331/2014	U/s 420, 467, 468, 471, 406, 120-B of IPC	Mandore	Jodhpur	Trial Pending
11	318/2016	U/s 323, 341, 379 of IPC	Mandore	Jodhpur	Pending Trial
12	258/2020	U/s 13 RPGO, 420 of IPC	Mandore	Jodhpur	Pending Trial
13	204/2020	U/s 270 of IPC and 4/5 of Raj. Epidemic Disease Ordinance, 2020 and 51 of Rajasthan Epidemic Act and 3/4 of RPGO	Mandore	Jodhpur	Pending Trial
14	36/2023	14/54, 19/54 Rajasthan Excise Act	RIICO, Sirohi	Aburoad, Sirohi	Pending Trial
15	506/2024	111(2)(b), 111(4), 111(6), 317(2)(5), 318(4), 61(2)(B) of BNS and 13 of RPGO Act	Mahamandir	Jodhpur	Pending Trial
16	181/2025	116(2), 118(4) of BNS.	Mandore	Jodhpur	Under Investigation

3. Learned counsel for the petitioner submits that the controversy raised in the present petition is identical to the one raised in **S.B. Criminal Miscellaneous (Petition) No. 2570/2025 (Mahendra Vs. State of Rajasthan and Anr.)**, decided vide order dated 27.03.2025. Therefore, it is prayed that the present petition may also be decided in the same terms.

4. Learned Public Prosecutor does not oppose the above submissions made by the learned counsel for the petitioner.

5. It would be pertinent to refer to the judgement of **Mahendra (supra)**. The relevant portion is reproduced as under :-

'10. In the case at hand, the petitioner has been convicted in only one case registered against him; out of 17 cases registered, he has been acquitted in 1 case; 14 cases are pending trial; the last case was registered against him in the year 2017. Thus, this Court, in the light of the judgments rendered in Sanjay (supra) and Rakesh Alias Rekhraj

(supra), allows the instant petition; accordingly, while quashing and setting aside the impugned order dated 14.03.2014 passed by the Deputy Commissioner, Jodhpur East along with entire proceedings pursuant thereto, the respondents are directed to strike out the name of the petitioner from the history-sheet maintained at the concerned police station. 11. All the pending applications stand disposed of. '

6. In the instant case, 16 FIRs have been lodged against the petitioner, out of which, he has been acquitted in 1 and in the rest, either the trial or the investigation is pending. Continuation of the history sheet solely on the basis of pending criminal cases would be arbitrary and contrary to the settled principle of presumption of innocence. The present petition is **allowed** in the same terms as **Mahendra (supra)**.

7. The letter dated 06.01.2016 issued by the Additional Commissioner of Police, Jodhpur City East, Jodhpur, and entire proceedings pursuant thereto, are quashed and set aside.

8. The respondents are directed to strike out the name of the petitioner from the history-sheet maintained at the concerned police station.

9. All pending applications stand disposed of.

(SUNIL BENIWAL),J