

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

S.B. Criminal Misc(Pet.) No. 2229/2025

1. Shiv Pratap Singh S/o Veer Bajrang Singh, Aged About 44 Years, R/o Gali No 8 Kudi Chakki Sai Baba Mandir Laskar Gwalior Presently Residing At Near Shashkiya School Maheshpura Sikandra Kampu Laskar Thana Police Station Madhavganj Gwalior Madhya Pradesh
2. Smt Praveen Tomar @ Rani Tomar W/o Shri Surendra Singh Tomar, Aged About 43 Years, R/o Gundi, Gundi Ka Naka No 8 Near Dr Gaur Clinic Laskar, Gird Laskar Gwalior (M.p.)

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Sudhir Yadav S/o Hari Singh, R/o 50 Model Town Housing District Hisar Presently Residing At Plot No F 285 Riico Industrial Area Bidiyad Parbatsar Nagaur

----Respondents

For Petitioner(s)	:	Mr. Abhishek Mehta
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

07/04/2025

1. Learned counsel for the petitioner – Shri Abhishek Mehta vehemently urges that to invoke an offence of cheating, there must be a dishonest intention right from the very inception. He drew the attention of this Court towards the illustration (g) given under Section 415 of IPC and thus, prayed that in light of the legal structure, if the allegations as levelled in the FIR and charge-sheet are taken on their face value, no case would be made out for

defrauding the respondent. There appears reasonable ground to interfere in the matter.

2. Issue notice to the respondents. Learned Public Prosecutor accepts notice on behalf of respondent No.1- State. Thus, notice be issued to respondent No.2 only. Rule be made returnable within a period of four weeks.

3. List the matter on after four weeks.

4. In the meanwhile, further proceedings in Regular Criminal Case No.28/2022 pending before the learned Additional Chief Judicial Magistrate, Parbatsar, District Nagore shall remain stayed.

(FARJAND ALI),J

58-divya/-