

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

S.B. Criminal Misc(Pet.) No. 2364/2026

Baburam S/o Lakhatram, Aged About 56 Years, R/o
Mornavada, tehsil Bawadi, District- Jodhpur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Mr Kalyan Singh Shekhawat S/o Shri Shivdayal Singh, R/o
Defense Lab Road Ratanada, Banar, District-Jodhpur City
East, Rajasthan.

-----Respondents

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

The present criminal misc. petition has been filed by the petitioner under Sections 528 of BNSS for quashing of FIR No.44/2025, registered at Police Station Banar, District Jodhpur City East for offences under Sections 318(4), 316(2), 337, 338, 336(3), 339 and 340(2) of BNS.

Learned counsel for the petitioner submits that in the present case the issuance of the power of attorney to the wife of the petitioner is admitted. Thereafter, due to some issues regarding selling of the plots the present FIR came to be registered pertaining to a dispute arising out of the property in question and once the power of attorney was issued there was no question alleging any misuse of the same by the petitioner and wife of the petitioner.

It is further stated that in the present case negative final report was proposed which was not disputed by the Public Prosecutor and, thereafter, now again due to change in investigation the petitioner is being unnecessarily harassed. He submits that it is a clear case of civil dispute and in case the respondent is aggrieved he may very well approach the competent authorities for cancellation of the Pattas'.

In view of the same, this court is inclined to interfere.

Issue notice.

Learned Public Prosecutor accept notice on behalf of respondent-State.

Let notice be issued to respondent No.2, returnable within four weeks.

In the meanwhile and till the next date of hearing, the petitioner shall not be arrested in connection with FIR No.44/2025 registered at Police Station Banar, District Jodhpur East City. However, the petitioner shall join investigation.

(BALJINDER SINGH SANDHU),J