

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

S.B. Criminal Misc(Pet.) No. 3097/2025

1. Vinod Nihalani S/o Lt. Sh. Shankar Das Ji, Aged About 48 Years, Director, Vishnu Oil Mill Pvt. Ltd. Rice Division, Having Its Add. At Shop No. 16, Veer Agrasen Block, Mandore Mandi, Jodhpur.
2. Anup Nihalani S/o Lt. Sh. Shankar Das Ji, Aged About 50 Years, Director, Vishnu Oil Mill Pvt. Ltd. Dall Division, Having Its Add. At Shop No. 13, Veer Agrasen Block, Mandore Mandi, Jodhpur.

-----Petitioners

Versus

1. Firm M/s Nathmal Jagannath Gilda (Mahajan), Degana Station, Teh. Degana, Dist. Nagaur. Through Its Proprietor Mr. Jyoti Prakash Gelda S/o Sh. Govind Lal Gilda.
2. Hemant Nihalani son of Shri Shankar das Nihalani, Director, M/s. Vishnu Oil Mill Private Limited, HO, Outside Siwanchi Gate, Jodhpur (Raj.)- 342001.

-----Respondent

For Petitioner(s)	:	Mr. Sheetal Kumbhat
For Respondent(s)	:	--

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

09/05/2025

1. The application (I.A. No.01/2025) seeking impleadment of Mr. Hemant Nihalani as party respondent No.2 in the present criminal misc. petition is allowed. The amended cause-title is ordered to be taken on record.
2. Learned counsel for the petitioners submitted that the petitioners have not committed any offence under the provisions of Negotiable Instrument Act. To substantiate this contention, learned counsel submitted that the petitioners are separately and

distinctly running businesses of their own divisions, which has nothing to do with the alleged transactions, alleged to have been done by the respondent No.2 - Mr. Hemant Nihalani. Learned counsel further submitted that the said cheques have been signed by Mr. Hemant Nihalani who is the director of the company and solely & distinctly responsible for his business at headquarters of the company.

3. Learned counsel contended that the petitioners have been roped in a false criminal case. Learned counsel thus prayed that the proceedings pending against the petitioners before the learned Additional Chief Judicial Magistrate, Degana deserve to be stayed.

4. Heard.

5. The matter requires consideration.

6. Issue notices to the respondents, rule is made returnable with eight weeks.

7. In the meanwhile and till further orders, further proceedings in Criminal Original Case No.214/2023 pending before the Court of learned Additional Chief Judicial Magistrate, Degana shall remain stayed qua the petitioners. It is further made clear that the Court of learned Additional Chief Judicial Magistrate, Degana shall be at liberty to proceed against the respondent No.2 – Hemant Nihalani.

8. List the matter after eight weeks.

(KULDEEP MATHUR),J