

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

S.B. Criminal Miscellaneous (Petition) No. 3314/2026

Kayyum Khan S/o Ayub Khan, Aged About 30 Years, R/o Sadal
Khera, P.s. Nikumbh, District Chittorgarh

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Aarif Khan S/o Alishr, R/o Jagpura, Relmagra,
Dist.rajsamand.

-----Respondents

For Petitioner(s)	:	Mr. Abhishek Charan
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP with Mr. Ravindra Singh Bhati

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

08/05/2026

1. The present criminal misc. petition has been filed under Section 528 of the BNSS, 2023 for quashing of FIR No. 52/2026 registered at Police Station Deogarh, District Rajsamand for the offences punishable under Sections 319(2), 308(2) and 3(5) of the BNS, 2023 and all consequential proceedings arising therefrom qua the petitioner.
2. Learned counsel for the petitioner, at the outset, submits that the dispute is of civil nature and the petitioner is ready to join the investigation.
3. Learned Public Prosecutor, while referring to the factual report dated 07.05.2026, which is taken on record, submits that the involvement of the petitioner, prima facie, is based on the GPS

Tracking Instrument and his involvement, at this stage, cannot be ruled out.

4. In view of the submissions made above, issue notice of the petition so also of stay application, returnable on 26.05.2026.
5. Notice need not be issued to respondent No.1 as the same is being represented by the learned Public Prosecutor.
6. Let notice be issued to respondent No.2 only.
7. Meanwhile and till the next date, no coercive action shall be taken against the petitioner in connection with FIR No. 52/2026 registered at Police Station Deogarh, District Rajsamand.
8. The petitioner shall appear before the Investigating Officer and, the Investigating Officer shall interrogate him and submit fresh factual report by the next date.

(SUNIL BENIWAL),J

20-ajayS/-