

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

S.B. Criminal Miscellaneous (Petition) No. 3558/2026

Rakesh Kumar S/o Fula Ram, Aged About 22 Years, Meghwalo Ka Bas, Deldari, Jalore, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Chiku Kumari D/o Vela Ram, Akoli, Police Station Bagra, Tehsil And District Jalore.

-----Respondents

For Petitioner(s)	:	Mr. Arun Kumar Mr. Sudarshan Sharma Mr. Brijesh Bhintal Mr. Kishan Lal
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

07/05/2026

1. The present Criminal Misc. Petition has been filed under Seciton 528 of BNSS for quashing of entire proceedings arising out of FIR No.72/2026 dated 24.04.2024, registered at Police Station Bagara, District Jalore under Sections 140(3), 70(1), 127(3) of BNS, 2023.
2. Learned counsel for the petitioner submits that as per the FIR alleged incident occurred between 21.03.2026 to 22.03.2026. As a matter of fact subsequent thereto petitioner and respondent have solemnized marriage, which is apparent from the marriage certificate which was issued on 23.03.2026 is subsequent to date of the allege incident.

2.1. He also submits that the present FIR is abuse of process of law as the present FIR has been lodged at the instance of the family members who were opposing the relationship of the petitioner and his wife-respondent No.2.

2.2. He further submits that the present petitioner and his wife had filed S.B. Criminal Writ Petition No.1372/2026 seeking protection which further indicates that even after the marriage the relation was cordial between the petitioner and the respondent No.2.

3. Considering the submissions made above, issue notice. Issue notice of the stay application as well.

4. Learned Public Prosecutor accepts notice on behalf of respondent-State. Notice be issued to respondent No.2 only.

5. Meanwhile no coercive action shall be taken against the petitioner in connection with FIR No.72/2026, registered at Police Station Bagra, District Jalore.

6. Needless to observe that petitioner would be required to join investigation as and when required by the Investigating Officer.

7. It is made clear that if the petitioner does not co-operate with the investigation, the learned Public Prosecutor would be at liberty to move appropriate application seeking vacation of the interim order.

(SUNIL BENIWAL),J