

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

S.B. Criminal Miscellaneous (Petition) No. 3656/2026

Bajrang Lal S/o Gordhan Das, Aged About 78 Years, R/o Hammalo Ki Bari Ke Bahar, Bikaner, Nayashahar, District Bikaner, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Suraj Ratan S/o Poonamchand, R/o Hammalo Ki Bari Ke Bahar, Bikaner, Nayashahar, District Bikaner, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Devendra Mahalana
For Respondent(s)	:	Mr. Lalit Kishore Sen, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

08/05/2026

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred seeking quashing of F.I.R. No.91/2026 dated 16.04.2026 registered at Police Station Sadar Bikaner, District Bikaner, for offences punishable under Sections 318(4), 338, 336(3), 336(4) and 340(2) of the Bharatiya Nyaya Sanhita.
2. Learned counsel for the petitioner submits that the present FIR is a clear abuse of the process of law. A bare reading of the FIR reveals that the dispute is purely of civil in nature. Even if the allegations are *prima facie*, taken to be true, the case pertains to execution of an agreement to sell and not honouring the said agreement and the petitioner subsequently sold the land to some other person.

3. Considering the submission made above, issue notice. Issue notice of the stay petition as well.
4. Learned Public Prosecutor accepts notice on behalf of the respondent No.1- State. Thus, notice be issued to the respondent No.2 only.
5. Meanwhile and till the next date, the petitioner shall not be arrested in connection with F.I.R. No.91/2026 dated 16.04.2026 registered at Police Station Sadar Bikaner, District Bikaner.
6. The petitioner is directed to remain present before the Investigating Officer on 15.05.2026. On appearing, necessary interrogation shall be made and learned Public Prosecutor shall submit fresh factual report the next date of hearing.
7. List the matter on 25.05.2026.
8. It is made clear that if petitioner does not co-operate during the investigation, the learned Public Prosecutor would be at liberty to move appropriate application seeking vacation of the interim order.

(SUNIL BENIWAL),J