

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

S.B. Criminal Miscellaneous (Petition) No. 3614/2026

Kamlesh S/o Tarachand Panchal, Aged About 46 Years, R/o
Kanba, Police Station Bichhiwada, District Dungarpur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Devi Lal Patel S/o Prem Ji Patel, R/o Bori, Kotwali
Dungarpur, District Dungarpur.

-----Respondents

For Petitioner(s)	:	Mr. Bhagat Dadhich
For Respondent(s)	:	Mr. Ramesh Dewasi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

08/05/2026

1. The petitioner has preferred the present criminal misc. petition seeking quashing of the FIR No.42/2026 dated 23.01.2026 registered at P.S. Kotwali Dungarpur, District Dungarpur for offences under Section 318(4) & 316(2) of the BNS, 2023.
2. Learned counsel for the petitioner submits that a bare reading of the FIR clearly indicates that the dispute is of civil nature. In course of transaction between the complainant and the petitioner, a cheque was given, which was dishonoured. Consequently, proceedings under Section 138 of the Negotiable Instruments Act were initiated, however, a compromise has been arrived at between the parties. Despite issue being settled, the present FIR has been lodged just to harass the petitioner.

3. Considering the submission made above, issue notice. Issue notice of stay application also.
4. Learned Public Prosecutor accepts notice on behalf of the State. Let notice be issued to respondent No.2 only.
5. Meanwhile and till next date, petitioner shall not be arrested in connection with FIR No. 42/2026 dated 23.01.2026 registered at P.S. Kotwali Dungarpur, District Dungarpur.
6. Needless to observe, the petitioner would be required to join investigation as and when required.
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