

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

S.B. Criminal Miscellaneous (Petition) No. 3678/2026

Riyaz Mohd S/o Haji Abdul Sattar, Aged About 37 Years, R/o 35  
Momino Ka Mohalla Pali Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through The Public Prosecutor
2. Chetan Das S/o Sona Ram, R/o Khatiko Ka Bas Subhash  
Ghat Pipar City Jodhpur Rural At Present Resident Of  
Keshav Nagar Rajnagar New Bus Stand Pali

-----Respondents

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| For Petitioner(s) | : | Mr. Shailendra Gwala<br>Mr. Himanshu Pareek |
| For Respondent(s) | : | Mr. Lalit Kishor Sen, PP                    |

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**HON'BLE MR. JUSTICE SUNIL BENIWAL**  
**Order**

**08/05/2026**

1. The present Criminal Misc. Petition has been preferred under Section 528 of BNSS, 2023 for quashing of FIR No. 0078/2026 registered at Police Station Kotwali Pali, District Pali for the offence under Sections 108, 308(2) of BNS, 2023.
2. While referring to the contents of the FIR, learned counsel for the petitioner submits that petitioner has not been named in the FIR and there is no allegation whatsoever, in the FIR and therefore, initiating any sort of proceedings against the present petitioner, would be a clear abuse of the process of law.
3. *Per contra*, learned counsel appearing on behalf of complainant submits that though the petitioner is not named in the FIR, he is hand-in-gloves with the main accused-Sarita Nagaura, as they are close acquaintances.

4. Learned Public Prosecutor, on the other hand, submits that the investigation is yet to be concluded. However, the investigation made so far does not indicate any involvement of the present petitioner.
5. The factual report 28.04.2026 is taken on record.
6. Considering the submissions made above, issue notice. Issue notice of the stay petition as well.
7. Notice need not be issued as the parties are being represented by their respective counsels.
8. Meanwhile petitioner shall not be arrested in connection with FIR No.0078/2026 dated 13.02.2026, registered at Police Station Kotwali Pali, District Pali.
9. Needless to observe that petitioner would join investigation as and when required by the Investigating Officer.
10. 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**