

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

S.B. Criminal Miscellaneous (Petition) No. 3682/2026

Vijay Vaishnav S/o Jagdish, Aged About 27 Years, Chhoti Bheel Basti, Chand Pol, Jodhpur, Raj.

-----Petitioner

Versus

1. State Of Rasthan, Through Pp
2. Mohan Singh S/o Roop Singh, Badri Pan Wali Gali Sardarpura Jodhpur City West Jodhpur Raj.

-----Respondents

For Petitioner(s)	:	Mr. Kunal Upadhyay
For Respondent(s)	:	Mr. Lalit Kishor Sen, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

08/05/2026

1. The present Criminal Misc. Petition under Section 528 of the BNSS, 2023 has been filed seeking quashing of FIR No.96/2026 dated 24.04.2026 registered at Police Station Sardarpura, District Jodhpur for the offences under Sections 308(2), 125, 189(2) and 324(2) of the BNS, 2023 and all subsequent proceedings emanating therefrom.

2. Learned counsel for the petitioner submits that co-accused persons had filed **S.B. Criminal Writ Petition No. 1968/2026 (Manoj and Anr. Vs. State of Rajasthan and Anr.)**, decided vide order dated 30.04.2025, wherein a Coordinate Bench of this Court disposed of the writ petition while permitting the petitioners therein to submit representation and an interim protection of 30 days was granted for not arresting them. Therefore, it is prayed that the present petition may also be decided in the same terms.

3. Learned Public Prosecutor does not oppose the above submissions made by the learned counsel for the petitioner.

4. It would be pertinent to refer to the order passed in the case of **Manoj (supra)**. The relevant portion is reproduced as under :-

'4. Accordingly, the instant writ petition is disposed of and it is directed that the petitioner shall submit a detailed representation, along with all supporting documents and material, before the concerned Investigating Officer within a period of fifteen (15) days from today.

5. Upon receipt of such representation, the Investigating Officer shall consider the same objectively and shall undertake a meticulous and impartial investigation in next 15 days. The submissions made by the petitioner shall be specifically adverted to, and an appropriate endorsement shall be recorded in the case diary, clearly indicating whether the assertions contained in the representation are borne out or stand contradicted by the material collected during investigation.

6. The Investigating Officer shall thereafter proceed to complete the investigation expeditiously, strictly in accordance with law, and shall strive to reach a just and reasoned conclusion uninfluenced by extraneous considerations.

7. In order to facilitate the petitioner in availing the aforesaid opportunity and to maintain a conducive atmosphere for fair investigation, it is directed that the petitioner shall not be arrested for a period of thirty (30) days from today in connection with FIR No.96/2026 registered at Police Station Sardarpura, Jodhpur City West, subject to his cooperation in the investigation and compliance with the directions issued herein.

8. It is expected that the Investigating Officer shall, after due consideration of all material, carry the investigation to its logical conclusion with due promptitude, and the matter shall

thereafter dealt with in accordance with law within a reasonable period.

9. With the aforesaid observations and directions, the present petition as well as stay petition stand disposed of. '

5. In view of the above, the present petition also stands **disposed of.**

6. It is directed that the petitioner shall submit a detailed representation, along with all supporting documents and material, before the concerned Investigating Officer within a period of fifteen (15) days from today.

7. Upon receipt of such representation, the Investigating Officer shall consider the same objectively and shall undertake a meticulous and impartial investigation in next 15 days. The submissions made by the petitioner shall be specifically adverted to, and an appropriate endorsement shall be recorded in the case diary, clearly indicating whether the assertions contained in the representation are borne out or stand contradicted by the material collected during investigation.

8. The Investigating Officer shall thereafter proceed to complete the investigation expeditiously, strictly in accordance with law, and shall strive to reach a just and reasoned conclusion uninfluenced by extraneous considerations.

9. In order to facilitate the petitioner in availing the aforesaid opportunity and to maintain a conducive atmosphere for fair investigation, it is directed that the petitioner shall not be arrested for a period of thirty (30) days from today in connection with FIR No.96/2026 dated 24.04.2026 registered at Police Station Sardarpura, District Jodhpur, subject to his cooperation in the investigation and compliance with the directions issued herein.

10. It is expected that the Investigating Officer shall, after due consideration of all material, carry the investigation to its logical conclusion with due promptitude, and the matter shall thereafter dealt with in accordance with law within a reasonable period.

11. All pending applications stand disposed of.

(SUNIL BENIWAL),J

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