

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 3746/2026
CNR: RJHC010454242026 | URN: CRLMP / 6678U / 2026

1.

Shahnavaz S/o Kabirul Hasan, Aged About 42 Years,
Resident Of H-15/135, Top Floor, F/s, Sangam Vihar,
Devli, South Delhi, Delhi 110080
2.

Parmar Soham Hemantbhai S/o Shri Hemantbhai, Aged
About 29 Years, Resident Of 129, New Gujarat Housing
Board, Behind J.n.v. High School, Surendranagar, P.o.
Surendranagar, District Surendranagar Gujarat

-----Petitioners

Versus

1.

State Of Rajasthan, Through PP
2.

Manish Garg S/o Sh. Shiv Kumar, Resident Of Radhey
Enclave, Sri Ganganagar Presently Working As Personal
Assistant Of Member Of Legislative Assembly, Sri
Ganganagar

-----Respondents

For Petitioner(s)	:	Mr. Pritam Solanki.
For Respondent(s)	:	Mr. Prem Singh Panwar, PP. Mr. Nitin Goklani.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/08/2026

This criminal misc. petition under Section 528 BNSS has been filed by the petitioners for quashing of the FIR No.184/2026, registered at Police Station Jawahar Nagar, District Sri Ganganagar, for the offences under Section 126(2), 121(1), 132 and 3(5) of BNS.

Heard learned counsel for the parties at bar. Perused the material as made available to this Court and gone through the niceties of the matter.

Having perused the impugned FIR, this Court *prima facie* finds that the offences alleged to have been committed by the petitioners are either triable by a Court of Magistrate or do not contain the maximum imprisonment of more than seven years, and keeping in mind the provisions contained in Section 35 BNSS (Section 41, 41-A Cr.P.C.) as well as the judgment passed by the Hon'ble Supreme Court in the case of **Arnesh Kumar vs. State of Bihar**, reported in **AIR 2014 SC 2756**, the dictum of which squarely applies *mutatis mutandis* to the present case, it is directed that in case, the arrest of the petitioners is found to be absolutely necessary by the Investigating Agencies, instead of affecting the arrest of the petitioners at once, a prior notice of 15 days shall be given to them so that they may exercise their legitimate rights. Needless to say that the petitioners are not precluded from raising their grievance before the trial Court.

With the aforesaid direction, the misc. petition filed under Section 528 BNSS (482 Cr.P.C.) as well as stay application are disposed of.

(KULDEEP MATHUR),J