

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

S.B. Criminal Misc(Pet.) No. 4139/2025

1. Prakashkumar S/o Vagataram Modi, Aged About 26 Years,
R/o Plot No. 38, Shanti Residency, Takhteshvar,
Bhavnagar, Gujrat
2. Vikram S/o Vagataram Modi, Aged About 31 Years, R/o
Plot No. 38, Shanti Residency, Takhteshvar, Bhavnagar,
Gujrat
3. Bharatkumar S/o Jagmalbhai Chaudhary, Aged About 35
Years, R/o 1/64, Patel Vas, Opp. Temple, Village Jivana,
Dist. Banaskantha, Gujrat

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Ritika Modi D/o Shri Narendra Kumar Modi, R/o Balaji
Nagar, Sanchoe, Jalore,raj.

-----Respondents

For Petitioner(s)	:	Mr. Jay Prakash Bhardwaj
For Respondent(s)	:	Mr. Sri Ram Choudhary, PP Mr. Sudhir Saruparia for complainant

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

20/05/2025

1. Drawing attention of the Court towards number of documents placed on record as the evidence of consensual relationship and solemnization of marriage between the petitioner No.1 and respondent No.2- complainant, learned counsel for the petitioner submitted that the respondent No.2- complainant was having a love affair with the present petitioner and she voluntarily eloped with him in the month of March 2025. However it appears that, later on the respondent No.2- complainant who is presently

residing with her parents, under the presence of her parents or otherwise has roped the petitioners in a false criminal case. It was thus, prayed that the impugned FIR lodged against the petitioners for the offences punishable under Sections 64(2)(m), 87, 127(2), 61(2) and 3(5) of BNS may be quashed and set aside.

2. *Per contra*, learned counsel for the respondent No.2-complainant submitted that a bare perusal of the impugned FIR discloses the commission of cognizable offence; thus, no case for quashing of the FIR is made out. It was further submitted that the petitioner No.1 was already married and, therefore, the documents placed by him on record as evidence of his marriage with the complainant-respondent No.2 is of no consequence. He submitted that looking to the seriousness of allegations against the present petitioner, the present criminal misc. petition deserves to be rejected straightway.

3. On being inquired, learned Public Prosecutor submitted that investigation in relation to impugned FIR has yet not been completed. He prays for and is granted four weeks' time to complete his instructions/ file reply to the petition.

4. List the matter on 11.08.2025.

5. In the meanwhile and till further orders, petitioners shall not be arrested in connection with FIR No.193/2025 registered at Police Station San chore, Dist. Jalore. However, the petitioners are directed to appear before the investigating officer on 09.06.2025 at 11:30 A.M. along with all requisite documents.

(KULDEEP MATHUR),J