

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Miscellaneous (Petition) No. 3949/2026
CNR: RJHC010477292026 | URN: CRLMP / 7090U / 2026

1.

Daulat Singh S/o Naval Singh Deora, Aged About 58 Years, R/o Mataji Ki Ghati, Debari, Pratapnagar, District Udaipur.
2.

Babulal Metawat S/o Bhanwar Lal Motawat, Aged About 64 Years, R/o Shantivan, Bedla Road, Fatehpura, Girwa, District Udaipur.
3.

Bhaga Ram S/o Kana Gameti, Aged About 56 Years, R/o Netavalo Ki Ghagal, Bhutala, Gogunda, District Udaipur.

-----Petitioners

Versus

1.

State Of Rajasthan, The State Of Rajasthan Through Pp.
2.

Duda Ram S/o Pemaji Bhil,, R/o Nala Phala, Police Station Pratapnagar, District Udaipur Raj.

-----Respondents

For Petitioner(s)

:

Mr. JVS Deora

For Respondent(s)

:

Mr. Hanuman Prajapati, PP
Ms. Manju Choudhary

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

28/07/2026

This criminal misc. petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') has been preferred on behalf of the petitioners seeking quashing of FIR No. 261/2026 registered at Police Station Pratapnagar (Udaipur), District Udaipur.

Learned counsel for the petitioners submitted that the FIR itself discloses a dispute with regard to the accused who has violated special protection provided to the transfer of tribal land in

question by illegally usurping such land. However, the Investigating Officer is proceeding to take coercive action against the petitioners without considering the documents in his possession. It is contended that the controversy is essentially based on documentary evidence and, unless the documents relied upon by the petitioners are duly considered, the true factual position would not emerge. Therefore, any coercive action taken against the petitioners without considering such documents would be unjustified. Hence, the petitioners may be granted an opportunity to submit their documents to prove their innocence before the Investigating Officer.

In view of the above, learned counsel prayed that the petitioners may be permitted to submit all relevant documents before the Investigating Officer, who may be directed to consider the same objectively and, till such consideration, limited protection may be granted to the petitioners.

This Court has considered the submissions advanced by learned counsel for the petitioners.

The controversy appears to be based upon documents executed by the parties, though the authenticity and validity of such documents are disputed. However, the documents relied upon by the petitioners are also required to be objectively considered by the Investigating Officer.

Accordingly, the present criminal misc. petition is disposed of with liberty to the petitioners to submit a detailed representation before the concerned Investigating Officer within a period of seven days from today, raising all the grounds urged in the present petition along with all relevant documents in support thereof.

In the event such representation is submitted, the concerned Investigating Officer shall objectively and minutely consider the contents thereof. All documents annexed with the representation shall also be duly taken into consideration before taking any further decision in accordance with law.

Till the expiry of 30 days from the date of submission of the representation, the petitioners shall not be arrested in connection with FIR No. 261/2026 registered at Police Station Pratapnagar (Udaipur), District Udaipur.

The petitioners shall be free to approach this Court, if the occasion so arises.

The stay petition as well as all pending application(s), if any, also stand disposed of.

(BALJINDER SINGH SANDHU),J