

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

S.B. Criminal Miscellaneous (Petition) No. 4293/2025

Samundra Jyani S/o Shri Bhanwar Lal Jyani, Aged About 27
Years, Resident Of Ward No 4 Village Bajju Khalsa Tehsil Bajju
District Bikaner

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Smt Seema Pathan, Inspector Of Police Sog Rajasthan
Jaipur

-----Respondents

For Petitioner(s) : Mr. R.S. Choudhary

For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

22/05/2026

1. The present criminal misc. petition is filed challenging the FIR No.0090/2024 registered at Police Station SOG, Jaipur for the offence under Sections 419, 420, 467, 468, 471, 120-B IPC and Section 3, 4, and 6 of Rajasthan Public Examination (Prohibition of Use of Unfair Means) Act.
2. The allegations in the FIR shows that the petitioner applied for participation in the Public Examination and further allegation is that on 24.10.2021, the examination was scheduled at 02:30 pm and the petitioner allegedly made other person to sit in the examination in his place. The allegation in the FIR shows that the petitioner placed some other person to impersonate him in the examination. The suspected persons in the FIR were Hanuman and Dhola Ram

and basing on the said report, an FIR was issued. A similar FIR was issued in respect of Dhola Ram, who is the candidate in examination held on 23.10.2021 at 02:30 pm in respect of FIR 90/2024. In the said FIR, it is mentioned that candidate made some another person to sit in the examination and another person was named Hanuman and both FIRs were relating to malpractices in the examination.

3. Learned counsel for the petitioner submits that the First Information Report in the present FIR and the FIR No. 90/2024 are same verbatim, except change of date and time of examination. It is his submission that when Hanuman, who claimed to be the brother of the petitioner, was sitting in the examination of Dhola Ram, he could not have been the candidate in the examination conducted 23.10.2021. It is also his submission that the FIR is not specific as to who was impersonating the petitioner and the FIR claims that either Dhola Ram or Hanuman was suspected to be impersonated the petitioner in the examination. According to him, unless the forensic report is obtained from the competent forensic lab, the FIR could not have been issued. It is also his submission that Hanuman is the resident of Jalore and he is the resident of Bikaner and there is no possibility of hiring the Hanuman to sit in his place nor his brother.
4. Learned Public Prosecutor submits that the scope of Section 482 Cr.P.C. is very limited and when there are prima facie allegations that the petitioner made the another person to impersonate him in the public examination and they are required to be investigated to find out who actually sat in

place of the petitioner in the said examination. It is also his submission that there is no impossibility that the single person could have sat in place of beneficiary in both the FIRs for the reasons that the date of examination in both the FIRs are different dates and such a possibility is not impossible as the distance between two centres, i.e., Jodhpur and Udaipur could not be said to be impossible to travel in a single day so as to sit in the examination on the next date. It is also his submission that whether Hanuman is the brother of the petitioner or not, can only be verified through investigation and not at the threshold. It is also his submission that at this threshold, the proceedings cannot be interdicted.

5. Having considered both the sides, it is needless to observe that Section 482 Cr.P.C. powers are very limited. The intervention of this Court at the threshold of the investigation is only warranted in rarest of the rare cases, subject to the establishment that on reading of the contents of FIR, no offence is made out. This Court is not supposed to enter into disputed claim between the complainant and the accused. It is for the investigating agency to establish who is right and who is false, not the Court exercising power under Section 482 of Cr.P.C.
6. Seeing the scope of Section 482 Cr.P.C., a reading of the complaint in the present FIR clearly reflect that the petitioner is a beneficiary and candidate in the public examination held on 23.10.2024 and the said examination was claimed to be held from 02:30-05:30 pm. The allegations shows that instead of the petitioner appearing in the examination, he

made other person to sit in his place to write the examination. Though the FIR reflects the candidate who sat in his place must be either Hanuman or Dhola Ram and Hanuman as the brother of the present petitioner, even if such allegation is found to be false, it has to be established who actually participated in the place of petitioner in the alleged examination. It is the matter of investigation which is to be done by the police.

7. Other submissions of the learned counsel for the petitioner is that the contents of the present FIR as well as the FIR relating to 90/2024 are in verbatim in nature. It is a fact that in both the cases, similar kind of allegations are there, except change of date of examination and the complainant is also one person, there is a probability of similarity due to some facts except dates and complaint was by the same person.
8. It is for the investigating agency to verify whether verbatim which is referred in both the complaints are actually true or false. Merely because both the complaints are in similar verbatim, except date of change do not makes interference of this Court justified at the threshold of the investigation and it is beyond the scope of inherent powers under Section 482 Cr.P.C. This Court is not inclined to enter into a disputed question with regard to truthfulness of the allegation in both the FIRs.
9. The other contention of learned counsel for the petitioner is that the petitioner is resident of Bikaner and the alleged suspected person is the resident of Jalore and he has no

acquaintance. At this stage, we are not inclined to accept such a contention which is irrelevant for the purpose of Section 482 Cr.P.C. and it is for the investigating agency to make an investigation. Further, it cannot be contended that till the forensic report is obtained, the FIR could not have been issued. Such ground is not the valid ground to quash the FIR. Obtaining of opinion of an expert from the forensic lab is part of the investigation.

10. Therefore, the present criminal misc. petition is dismissed being devoid of merits.

(MUNNURI LAXMAN),J