

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

S.B. Criminal Misc(Pet.) No. 4848/2025

Arvind Kudi S/o Suresh Kudi, Aged About 46 Years, R/o 13,
Krishna Nagar, New Pali Road, Basani Pratham, Jodhpur, Bhagat
Ki Kothi, Jodhpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Bharti S/o Govind Singh, Aged About 44 Years, R/o 13,
Krishna Nagar, New Pali Road, Basani Pratham, Jodhpur,
Bhagat Ki Kothi, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Siddharth Karwasra
For Respondent(s)	:	Mr. Narendra Singh Chandawat, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

04/07/2025

1. Learned counsel for the petitioner submitted that the marriage of the petitioner with the respondent No.2- complainant was solemnized in the year 29.06.2001. Learned counsel submitted that owing to some matrimonial dispute between the parties, the petitioner and the respondent No.2- complainant started living separately since the year 2017.
2. Learned counsel submitted that the respondent No.2 owing to her matrimonial dispute has falsely roped the petitioner in a criminal case for the offences under Sections 498-A, 406 and 323 of IPC, after about 25 years of their marriage. It was further submitted that the impugned FIR is nothing but an abuse of the

process of law and, therefore, the same deserves to be quashed and set aside.

3. *Per Contra*, learned Public Prosecutor submitted that investigation in relation to the impugned FIR has already been concluded by the investigating agency and as per the factual report dated 02.07.2025 received from the concerned SHO, the offences under Sections 498-A and 406 have been found to be proved against the present petitioner. It was thus prayed that the instant criminal misc. petition deserves to be dismissed straightway.

4. Having considered the facts and circumstances of the case, this Court deems it just and appropriate to direct the learned Public Prosecutor to keep the investigating officer along with C.O. diary present before this Court on the next date of hearing.

5. List the matter on 18.08.2025.

6. In the meanwhile and till the next date of hearing, the petitioner shall not be arrested in connection with FIR No.71/2025 registered at Police Station Mahila Thana, Jodhpur City West. However, the petitioner is directed to appear before the investigating officer on 21.07.2025 at 11:30 A.M. along with all the requisite documents.

(KULDEEP MATHUR),J