

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

S.B. Criminal Misc(Pet.) No. 7371/2025

1. Kamlesh S/o Pemji, Aged About 38 Years, R/o Bagidoura, P.s Kalinjara. (Constable At Police Line, Banswara)
2. Mani Lal Damor S/o Kuhaga Ji, Aged About 46 Years, R/o Khokharwa , P.s Kalinjara, District Banswara (Constable At Police Line, Banswara)

----Petitioners

Versus

1. State Of Rajasthan, Through P.p
2. Milap Singh S/o Sher Singh, Representative Of Care Health Insurance Ltd. Having Its Office At 3Rd Floor, Tower C, Vipul Teck Square, Sector 43, Gurugram (Haryana)-122009.

----Respondents

Connected With

S.B. Criminal Misc(Pet.) No. 4870/2024

Dhulji Ninama S/o Bijiya Ninama, Aged About 58 Years, Ghato Ki Naal, P.s. Bhungda, Distt. Banswara, At Present Head Constable No. 06, Manav Taskari Unit, Police Adhikshak Karyalay, Banswara.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Milap Singh S/o Shar Singh, Jhajjar, Sadar, Banswara.

----Respondents

Connected with

S.B. Criminal Misc(Pet.) No. 5356/2024

Ravi Upadhyay S/o Shri Mahesh Chand Upadhyay, Aged About 42 Years, R/o Jaipur Road, Shakti Nagar, Dist. Banswara.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Milap Singh S/o Shri Seth Singh, R/o Pilani Gate, Jhajhar, Haryana.

-----Respondents

For Petitioner(s)	:	Mr. Pradeep Choudhary Mr. Firoz Khan Mr. Devendra Sanwalot
For Respondent(s)	:	Mr. VS Rajpurohit, PP Mr. Pranjal Babel and Mr. Dhruv for Mr. Sanjay Nahar Mr. Mukesh Sankhala, Addl. SP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

24/03/2026

The present case arises out of death of one Belji who as per the investigation report died on 20.09.2018 due to natural causes. Subsequently on 11.10.2018, on the basis of a concocted story that it was an accident, an FIR came to be registered under Section 304-A IPC. The said FIR was registered at the instance of Kishan Lal who is son of deceased-Belji, therefore, the investigation was undertaken by Investigating Officer- Dhool Ji. One- Sanjay Kumar is stated to be the witness of the panchayatnama and fard supurdegi of the dead body. Thereafter, the post-mortem of the same was conducted by Dr. Ravi Upadhyay which is certainly without corpus as the deceased had already expired on 20.09.2018.

After investigation, on 15.10.2024 the challan was filed against six persons and investigation against the rest of the petitioners is pending. Counsel for the petitioners submits that the Investigating Agency has created an imaginary and concocted story and in fact the accident had taken place, FIR was registered

and the entire trial was undertaken, which consequently resulted in acquittal of the accused. He further submits that once the trial has taken place, there is no cause for the registration of the FIR and find fault in the story of the accidental death on 11.10.2018. In view of the same, the counsel for the petitioner prays that the present petitions be allowed and the FIR be quashed.

The Investigating Officer, present before this Court along with case dairy, submits that after thorough investigation, it has been clearly found that the deceased died naturally on 20.09.2018, they had investigated the matter from Anganvadi wherein the entries of the death of Belji have been recorded on 20.09.2018. The statements of the person who maintains the register, was also recorded, which clearly establish that Belji expired on 20.09.2018. Hence, he finds that the entire story of the accidental death on 11.10.2018 was the brainchild of the accused for getting accidental claim of Rs. 50,00,000/-.

Heard counsel for both the parties and examined the material placed on record.

From the averments that have been made by the Investigating Officer, who is present in the Court, it is clear that the accused are involved in creating the false story and tried to get the accidental claim in their favor. In the investigation, involvement of each and every accused is found. The Investigating Officer was Dhoolji, Sanjay Kumar was the witness of panchayatnama of the deceased, Kamlesh and Mani are stated to be involved in the conspiracy being police officers, and evidence to this aspect has been found in the investigation. Further, the post-mortem was conducted by Dr. Ravi Upadhayay.

In such circumstances, this Court finds that there is sufficient evidence on record to see that the petitioners were involved in the case, it cannot be stated that FIR or the investigation does not disclose any prima facie involvement of the petitioners or the offences committed by the petitioners. This Court finds no merit in the petitions filed by the petitioners.

Accordingly, the present criminal misc. petitions are dismissed.

(BALJINDER SINGH SANDHU),J

15 & 16 & 19--Jatin/-