

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

S.B. Criminal Misc(Pet.) No. 4929/2025

Tohid Khan S/o Shri Saphiullah Khan, Aged About 29 Years, R/o 599, Pathan Colony, Naya Gaon, Pali Marwar, District Pali, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Sayra D/o Shri Mohammad Yosuf, R/o Pipar City, Pipar Sahar, District Jodhpur Rural, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Ramdev Rajpurohit
For Respondent(s)	:	Mr. Sri Ram Choudhary, PP with Mr. Ravinder Singh Bhati, AGA

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

01/07/2025

1. Learned counsel for the petitioner submitted that the allegation against the petitioner is that he established the physical relationship with the complainant-respondent No.2 on a false pretext of marriage.
2. Drawing attention of the Court towards the impugned FIR and various other documents attached with the case file, learned counsel for the petitioner submitted that as a matter of fact, engagement ceremony between the petitioner and the complainant was performed about three years prior to the date of lodging of the FIR. The complainant who is a major girl after her engagement with the present petitioner entered into relationship with him out of her own free will and volition. It was submitted

that on relations between them turning strained, the complainant-respondent No.2 has roped the petitioner in a false criminal case for the offences under Section 376 IPC.

3. The matter requires consideration.

4. Issue notice to the respondents.

5. Learned Public Prosecutor accepts notice on behalf of respondent No.1- State. Service of notice upon respondent No.1 is, therefore, complete. Thus, notice be issued to respondent No.2 only. Rule is made returnable in four weeks.

6. Learned Public Prosecutor prays for and is granted three weeks' time to procure the case diary.

7. List the matter on 19.08.2025.

8. In the meanwhile and till next date of hearing, the petitioner shall not be arrested in connection with FIR No.142/2025 registered at Police Station Pipar Sahar, District Jodhpur Rural, for the offences under Sections 376, 384, 493, 420 of IPC and Sections 66 and 66-D of IT Act. However, the petitioner is directed to appear before the investigating officer on 14.07.2025 at 11:30 A.M. along with all requisite documents.

(KULDEEP MATHUR),J