

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

S.B. Criminal Miscellaneous (Petition) No. 5117/2026
CNR: RJHC010613272026
URN: CRLMP / 9200U / 2026

Ganpat S/o Malaram Godara, Aged About 47 Years, R/o
Khirodi,karawadi, P.s. Jhaab, District- Sanchore, Rajasthan
-----Petitioner

Versus

- 1. State Of Rajasthan, Through P.p.
 - 2. Niyaj Mohammad Khan, Deputy Superintendent Of Police,
Sog,jaipur.
- Respondents

For Petitioner(s)	:	Mr. Muktesh Maheshwari
For Respondent(s)	:	Mr. Karmendra Singh, Special PP for SOG Mr. Harshvardhan Thanvi Mr. Chrinjilal Meena, Add. S.P., SOG, Jaipur, present in person

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

20/07/2026

Learned counsel for the petitioner submits that the petitioner has been implicated merely on the allegation that he was made to read the question papers and, therefore, he has no involvement whatsoever in the alleged offence.

The Investigating Officer is present before this Court along with the learned Special Public Prosecutor for the SOG and has produced the factual report.

The material place on record reveals that the involvement of the petitioner has surfaced during the course of investigation. It has been reported that the petitioner was in contact with

Bhupendra Saharan and his connection has been established through a diary recovered during the investigation. It has further been revealed that the petitioner, along with three other persons, was made to read the solved question papers, for which consideration was allegedly paid.

In the aforesaid circumstances, this Court finds that sufficient material has been collected during the investigation to prima facie indicate the involvement of the petitioner. The extent of his role can only be unearthed after the investigation progresses further and he is subjected to interrogation in accordance with law.

The Hon'ble Supreme Court in ***M/s Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 10 SCC 118***, after considering the entire jurisprudence on the subject, authoritatively summarized the governing principles in paragraph 80 of the judgment and held that where the allegations in the FIR and the material collected during investigation prima facie disclose the commission of a cognizable offence, the High Court ought not to embark upon an appreciation of the evidence or adjudicate the correctness of the allegations while exercising its inherent jurisdiction. Ordinarily, the investigation should be permitted to proceed unless the case falls within the well-recognized exceptional categories. The relevant observations are reproduced hereunder:

"(ii) The Court should not thwart any investigation into the cognizable offences;

(iv) The power of quashing should be exercised sparingly with circumspection, in the rarest of rare cases;

(vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

(x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Courts and the judicial process should not interfere at the stage of investigation;

(xii) The first information report is not an encyclopaedia and the police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated;

(xiv) However, at the same time, if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of *R.P. Kapur* and *Bhajan Lal*, the Court has jurisdiction to quash the FIR/complaint;

(xv) When a prayer for quashing the FIR is made, the Court has only to consider whether the allegations disclose the commission of a cognizable offence. The Court is not required to consider the merits of the allegations or whether the allegations are likely to be proved.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order."

Further, the Co-ordinate Bench of this Court has also dismissed the anticipatory bail application preferred by the petitioner, wherein observations regarding his prima facie involvement have already been recorded.

It is also pertinent to note that the entire Sub-Inspector Recruitment Examination was scrapped on account of large-scale irregularities and leakage of the question paper, thereby seriously affecting the fairness and sanctity of the recruitment process.

Considering the seriousness of the allegations, the material collected during the investigation, and the larger public interest involved in maintaining the integrity of public examinations, this

Court is not inclined to exercise its inherent jurisdiction in favour of the petitioner.

Accordingly, the present Criminal Miscellaneous Petition is dismissed.

However, the petitioner shall be at liberty to submit a detailed representation raising all his contentions before the Investigating Officer, who shall duly consider the same in accordance with law during the course of investigation.

(BALJINDER SINGH SANDHU),J