

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

S.B. Criminal Misc(Pet.) No. 5711/2025

Jayesh Kumar S/o Shri Moolaram Ji Lohar, Aged About 40 Years,
Resident Of Gudariya Colony Pindwara Tehsil And Police Station
Pindwara District Sirohi Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Smt Savita W/o Late Bhanwarlal Lohar, Resident Of
Opposite To Nehru Nagar Garden Shivganj Tehsil Shivganj
District Sirohi Rajasthan

-----Respondents

For Petitioner(s) : Mr. Vishan Das

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

06/02/2026

The present criminal miscellaneous petition has been filed by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No. 29/2025 registered at Police Station Pindwara, District Sirohi.

Learned counsel for the petitioner submits that the husband of the petitioner expired in the year 2022, thereafter a dispute arose between the complainant-wife and the family members of the deceased pertaining to the factory. He further submits that even a bare reading of the FIR reveals that it is merely a property dispute, which has been given a criminal colour by invoking Sections 498-A, 420 and 406 IPC, and that the FIR does not disclose the commission of any offence under the said provisions.

Factual report has been submitted by the learned Public Prosecutor has been taken on record dated 05.02.2026, wherein the Investigating Officer has also stated that there exists a dispute of property between the parties.

In view of the above, the dispute appears to be civil in nature; however, this Court fails to understand how the Investigating Officer has thereafter concluded that the offences are proved, when the investigation itself depicts a property dispute between the parties.

In view of the same, this Court is inclined to interfere in the matter.

Issue notice.

Learned Public Prosecutor accepts notice on behalf of the respondent-State.

Let notice be issued to respondent No.2, returnable within four weeks.

In the meanwhile, the petitioner shall not be arrested in connection with FIR No. 29/2025 registered at Police Station Pindwara, District Sirohi; however, he shall join the investigation, as and when required.

(BALJINDER SINGH SANDHU),J