

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

S.B. Criminal Miscellaneous (Petition) No. 5389/2026
CNR: RJHC010644772026 | URN: CRLMP / 9630U / 2026

Mahendra Kumar Rathore S/o Shri Udaylal Rahore, Aged About
39 Years, Resident Of 1/319, Meera Nagar, R.h.b. Colony,
Bhuwana, Tehsil Girwa, Udaipur (Rajasthan)

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Rakesh Kumar S/o Harlal Singh Jat, R/o Dhakali, Fatehpur
Sadar, Sikar Rajasthan, Presently Residing At M/s
Georgian Crafts Kasarpura, Saroda, Dungarpur Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Akhilesh Rajpurohit, through VC Mr. Hardik Vyas
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

28/07/2026

This criminal misc. petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') has been preferred on behalf of the petitioner seeking quashing of FIR No.5/2023 registered at Police Station Saroda, District Udaipur.

Learned counsel for the petitioner submits that the issue is pertaining to mining lease. However, the Investigating Officer is proceeding to take coercive action against the petitioner without considering the documents in his possession.

It is contended that the controversy is essentially based on documentary evidence and, unless the documents relied upon by

the petitioner are duly considered, the true factual position would not emerge. Therefore, any coercive action taken against the petitioner without considering such documents would be unjustified. Hence, the petitioner may be granted an opportunity to submit his documents to prove his innocence before the Investigating Officer.

In view of the above, learned counsel prayed that the petitioner may be permitted to submit all relevant documents before the Investigating Officer, who may be directed to consider the same objectively and, till such consideration, limited protection may be granted to the petitioner.

This Court has considered the submissions advanced by learned counsel for the petitioner.

The controversy appears to be based upon documents executed by the parties, though the authenticity and validity of such documents are disputed. However, the documents relied upon by the petitioner are also required to be objectively considered by the Investigating Officer.

Accordingly, the present criminal misc. petition is disposed of with liberty to the petitioner to submit a detailed representation before the concerned Investigating Officer within a period of seven days from today, raising all the grounds urged in the present petition along with all relevant documents in support thereof.

In the event such representation is submitted, the concerned Investigating Officer shall objectively and minutely consider the contents thereof. All documents annexed with the representation

shall also be duly taken into consideration before taking any further decision in accordance with law.

Till the expiry of 30 days from the date of submission of the representation, the petitioner shall not be arrested in connection with FIR No.5/2023 registered at Police Station Saroda, District Udaipur.

The petitioner shall be free to approach this Court, if the occasion so arises.

The stay petition as well as all pending application(s), if any, also stand disposed of.

(BALJINDER SINGH SANDHU),J