

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

S.B. Criminal Miscellaneous (Petition) No. 5641/2026

CNR: RJHC010659402026

URN: CRLMP / 10041U / 2026

1. Vivek Singh Chouhan S/o Shri Bharat Kumar, Aged About 33 Years, R/o Bihar Sharif City Town, Village Laluadih, Post Telsar, District Nalanda, Bihar.
2. Bharat Kumar S/o Shri Shambhu Singh, Aged About 65 Years, R/o Bihar Sharif City Town, Village Laluadih, Post Telsar, District Nalanda, Bihar.
3. Mrs Geeta Devi W/o Bharat Kumar, Aged About 61 Years, R/o Bihar Sharif City Town, Village Laluadih, Post Telsar, District Nalanda, Bihar.

-----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Smt Deepa W/o Vivek Singh Chouhan, D/o Bharat Singh R/o Plot No. 37/b, Kusum Vihar Colony, Near Ganesh Hotel, Ajmer Road, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Pradeep Khichi

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

17/07/2026

Learned counsel for the petitioner submits that in the present case, the statutory notices were never duly served upon the petitioner. It is contended that although the notices have been shown as "refused", the endorsement of refusal does not bear the signature of the petitioner or any other reliable acknowledgment and, therefore, the same cannot be treated as valid service in the eyes of law. It is further submitted that despite the absence of

proper service, the learned Trial Court proceeded ex parte against the petitioner and subsequently rejected the petitioner's application seeking setting aside of the ex parte proceedings. It is argued that in the absence of due and valid service of notice, the learned Trial Court could not have proceeded ex parte.

This Court finds prima facie substance in the submissions advanced on behalf of the petitioner.

Issue notice to the respondents, returnable on 10.08.2026.

In the meanwhile, the effect and operation of the orders dated 20.04.2024 and 30.01.2026 (Annexure-1) passed by the learned Additional Chief Judicial Magistrate No. 3, Jodhpur Metropolitan, in Case No. 570/2024 shall remain stayed.

Considering the nature of the dispute and the submissions made by learned counsel for the petitioner, the matter is referred to the Mediation Centre attached to this Court.

The parties shall appear before the learned Mediator on 10.08.2026 or on such date as may be fixed by the Mediation Centre.

List the matter immediately after culmination of the mediation proceedings.

The Registry is directed to communicate a copy of this order to the Mediation Centre forthwith.

(BALJINDER SINGH SANDHU),J