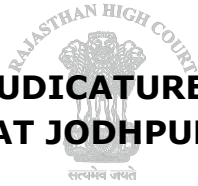


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous (Petition) No. 5695/2026

CNR: RJHC010667582026 | URN: CRLMP / 10142U / 2026

Ravichandra Bishnoi S/o Kishan Lal, Aged About 26 Years, R/o Village
Parawa, Tehsil Chitalwana, District- Jalore

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 138/2026

CNR: RJHC010011722026 | URN: CRLMP / 241U / 2026

Prakash Kumar S/o Mana Ram, Aged About 26 Years, Resident Of
Bhutel, Tehsil Chitalwana, District Jalore, Rajasthan, Presently Posted
As Government Primary School, Dhumba Dhora Jhab, Jalore,
Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through The Public Prosecutor
2. Kamal Nayan Moyal, The Then Dysp. Sog Police Station Sog,
Ats And Sog, Rajasthan

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 2039/2026

CNR: RJHC010226592026 | URN: CRLMP / 3709U / 2026

Jagdish Kumar S/o Shri Hari Ram Vishnoi, Aged About 33 Years,
Resident Of Village Chitalwana, District Jalore

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Kamal Narayan Moyal, Dy. S.p. Sog Jaipur, special Police Station
Sog, ats And Sog, Rajasthan

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 2401/2026

CNR: RJHC010268092026 | URN: CRLMP / 4266U / 2026

Hanuman Bishnoi S/o Ganga Ram Bishnoi, Aged About 27 Years, R/o

Village Sangarwa, Tehsil Chitalwana, District Jalore, Rajasthan,
Presently Posted As Government Senior Secondary School, Hotighav,
Jalore, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Kamal Nayan Moyal, The Then Dysp Sog Police Station Sog, Ats
And Sog, Rajasthan.

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 2752/2026

CNR: RJHC010321712026 | URN: CRLMP / 4900U / 2026

Mahendar Kumar S/o Jay Kishan, Aged About 26 Years, R/o Veerawa
Po Veerawa Sub District Sanchore District Jalore Presently Working As
Teacher, Govt. Primary School, Sarnarthyo Ke Dhani, Dhansa, Jalore,
Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Kamal Nayan Moyal S/o Kishan Lal Moyal, R/o Dy
Superintendent Of Police Special Police Station Sog Jaipur

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 3277/2026

CNR: RJHC010390732026 | URN: CRLMP / 5889U / 2026

1. Sukhram S/o Ramniwas, Aged About 26 Years, R/o Sahu
Daukiyaon Ki Dhani Tehsil Chitalwana District Jalore At Present
Gups Rupa Ki Dhani Bhalani Bagoda Jalore District Jalore
2. Vikram Kumar S/o Ganesha Ram, Aged About 27 Years, R/o
Village Post Dungarwa Tehsil Bagoda District Jalore At Present
Gps Parkha Naadi Dhumadiya Bagoda Jalore District Jalore

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Kamal Nayan Moyal S/o Kishan Lal Moyal, Than The Dysp Sog
Police Station Sog Ats And Sog Jaipur Rajasthan

-----Respondents

For Petitioner(s)	:	Mr. Ashok Upadhyay Mr. Shaitan Singh Hemaguda Mr. Deepak Menaria Mr. Shrawan Kumar Bishnoi Mr. Kunal Bishnoi Mr. Rajiv Bishnoi
For Respondent(s)	:	Ms. Sahana Khanam, Add. SP, SOG Unit Jodhpur.

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

28/07/2026

1.The instant criminal misc. petition under Section 528 of the BNSS has been filed by the petitioners seeking quashing of FIR No.40/2025, registered at Special Police Station SOG, ATS & SOG, for the offences under Sections 419, 420, 467, 468,471 and 120-B IPC and Sections 3,7 and 10 of the Rajasthan Public Examination (Measures for Prevention of Unfair Means) Act.

2. Learned counsel for the petitioners submits that most of the petitioners are Government employees. It is submitted that, pursuant to a subsequent decision taken by the State Government, the earlier recruitments were ordered to be scrutinized. During the course of such scrutiny/investigation into the recruitment process, the present accused were allegedly found to be involved in certain manipulations, whereupon the impugned FIR came to be registered.

3. Learned counsel further submits that the petitioners are being proceeded against without there being sufficient material on record. The allegation against the petitioners is essentially that the photographs and signatures appearing on the application

forms/attendance sheets and other records do not match, thereby giving rise to an allegation that some other persons had appeared in the examination on their behalf and that the petitioners were subsequently selected.

4. Learned counsel for the petitioners further submits that the matter is being unnecessarily prolonged and that the investigation is not progressing expeditiously.

5. In such circumstances, learned counsel for the petitioners submits that unless and until the specimen signatures of the petitioners are obtained and the report of the Forensic Science Laboratory (FSL) is received, no coercive action ought to be taken against them and they cannot be treated as having committed the alleged offences merely on the basis of the aforesaid discrepancies.

6. The Investigating Officer, who is present before the Court, submits that, in the present case, the record clearly reveals material discrepancies/mismatches in the photographs and signatures appearing on the application forms and attendance sheets of the petitioner pertaining to the REET Level-I and Level-II examinations held in the year 2022. It is further submitted that the investigation is underway, which includes obtaining specimen signatures and sending the same for forensic examination, wherever required. It is also submitted that further action shall be taken upon collection and examination of the relevant material.

7. It is also stated that notices have already been issued to the candidates requiring them to join the investigation.

8. Learned Public Prosecutor has submitted the factual report, which states that the FIR came to be registered only after discrepancies were noticed in the attendance sheets, application forms and the records available with the concerned Department, giving rise to a prima facie suspicion that dummy candidates had appeared in place of the petitioners. It is further stated that a communication has already been addressed to the RSSB seeking the relevant records. The said records have not yet been received and, upon receipt thereof, further action shall be taken in accordance with law.

9. This Court has considered the submissions advanced by learned counsel for the parties and has gone through the factual/investigation report submitted by the learned Public Prosecutor.

10. The matter pertains to the REET Level-I and Level-II examinations held in the year 2022, pursuant to which the petitioners were selected. From the material presently available, it appears that the investigating agency is proceeding with the investigation by procuring the relevant records, examining the discrepancies therein, and thereafter proposing to obtain specimen signatures and seek forensic opinion, wherever considered necessary. In view thereof, the apprehension expressed by the petitioners that the investigating agency is proceeding against them without procuring or examining the relevant records does not, at this stage, appear to be borne out from the material available on record.

11. This Court finds that a preliminary inquiry with regard to the concerned candidates had already been conducted by the Department and it was only thereafter that the FIR came to be registered. The allegations contained in the FIR, read with the material referred to in the factual report, prima facie disclose commission of cognizable offences. The discrepancies allegedly noticed in the attendance sheets, application forms and other available departmental records constitute material requiring investigation. Whether such discrepancies ultimately establish that dummy candidates had appeared on behalf of the petitioners, and the precise role, if any, attributable to each of the petitioners, are matters which can be determined only upon completion of the investigation. At this stage, this Court cannot undertake a detailed examination of the evidentiary value or sufficiency of such material.

12. 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. It was 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 upon the correctness of the allegations while exercising its inherent jurisdiction under Section 482 CrPC (now Section 528 BNSS, as applicable). 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."

13. In the present case, the allegations regarding mismatch of photographs/signatures and discrepancies in the attendance sheets, application forms and departmental records cannot, at this preliminary stage, be said to be wholly irrelevant or incapable of forming the basis of an investigation. The contention of the petitioners that no case can be made out unless an FSL report is first obtained essentially relates to the sufficiency and evidentiary value of the material collected during investigation, which cannot appropriately be adjudicated at this stage in proceedings under Section 528 BNSS.

14. Thus, when the FIR and the material collected thus far prima facie disclose cognizable offences and the investigation is still in

progress, this Court does not find the present cases falling within any of the exceptional categories warranting quashing of the FIR at the threshold. Interference with the investigation at this stage would amount to entering into an assessment of the evidence before the investigating agency has been afforded an opportunity to complete the investigation.

15. At the same time, most of the petitioners are Government employees and the investigation pertains to recruitment examinations conducted considerably earlier. The Investigating Officer himself has stated before the Court that further action is being taken after procurement and examination of the relevant records and that the concerned candidates are being called upon to join the investigation. The interests of justice would, therefore, be adequately served by permitting the investigation to proceed expeditiously while requiring the petitioners to cooperate with the same.

16. Accordingly, while declining to quash the impugned FIR, the present criminal misc. petitions are disposed of with the following directions:-

- (i) Before taking any coercive steps against any of the petitioners, the Investigating Officer shall serve upon the concerned petitioner a notice granting not less than thirty (30) days' time to appear before the Investigating Officer and join the investigation.
- (ii) A copy of the notice issued to a petitioners, who're in government service shall also be forwarded through the Department/office in which such petitioners are presently serving.

(iii) The petitioners shall be at liberty to submit representations raising their respective contentions alongwith any supporting documents/material. Any such representation and material shall be duly considered by the Investigating Officer in the course of investigation.

(iv) For the aforesaid notice period of 30 days, there shall be a stay on the arrest of the petitioners, however, thereafter the Investigating Agency is free to proceed in accordance with law.

(v) Considering the period for which the matter has remained under investigation and the fact that the petitioners are serving employees whose careers may be affected by prolonged uncertainty, the investigating agency is expected to proceed with and conclude the investigation as expeditiously as reasonably possible, in accordance with law.

(vi) The concerned Department/RPSC/RSSB shall promptly furnish to the SOG the records requisitioned by it and shall ensure that no avoidable delay is caused in supplying the records necessary for completion of the investigation.

17. It is clarified that the observations made herein-above are confined to the adjudication of the prayer for quashing of the FIR at the present stage and shall not be construed as an expression of opinion on the guilt or innocence of any of the petitioners. The Investigating Officer shall independently evaluate the material collected during investigation and proceed strictly in accordance with law.

18. In view of the aforesaid, no ground for quashing of the impugned FIR is made out. The criminal misc. petitions stand disposed of in the above terms.

19. All pending applications, if any, also stand disposed of.

(BALJINDER SINGH SANDHU),J