

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

S.B. Criminal Misc(Pet.) No. 6561/2025

1. Smt Saraswat Devi W/o Shri Badri Prasad, Aged About 58 Years, Partner M/s Badri Prasad And Compnay Address Head Office Rokana Bhawan Rampura Basti Gali No 1 Lalgarh Bikaner Rajasthan C/o Address- Branch Office B57 Kaishav Nagar Pal Road Jodhpur
2. Doli W/o Shri Surendra Kumar, Aged About 40 Years, Partner M/s Badri Prasad And Compnay Address Head Office Rokana Bhawan Rampura Basti Gali No 1 Lalgarh Bikaner Rajasthan C/o Address- Branch Office B57 Kaishav Nagar Pal Road Jodhpur

-----Petitioners

Versus

1. State Of Rajasthan, Through Learned Pp
2. Smt Laxmi Devi Gandhi W/o Shri Shiv Narayan Gandhi, By Cast Maheshwari Resident Of Savon Ka Bass Pokrn District Jaisalmer Raj.

-----Respondents

For Petitioner(s)	: Mr. Poonam Chand Solanki
For Respondent(s)	: Mr. Narendra Singh Chandawat, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

13/08/2025

It is contended by the learned counsel for the petitioner that the cheque in question was issued by one partner of the firm, whereas in the complaint, the other partner has been impleaded as an accused. It is further contended that the issue has already been considered by the Full Bench of Hon'ble Apex Court in the case of SMS Pharmaceuticals Ltd. Vs. Neeta Bhalla and Anr.

The matter requires consideration.

Issue notice of misc. petition as well as stay petition.



Learned Public Prosecutor accepts notice on behalf the respondent No.1-State. Let notice be issued to the respondent No.2 only, returnable within a period of three weeks.

In the meanwhile and till the next date of hearing further proceedings pending before the learned Civil Judge and Additional Chief Judicial Magistrate, Pokran in criminal complaint No.364/2017 (Laxmi Devi Vs. M/s Badri Prasad @ Co. & Ors.) shall remain stayed.

(MUKESH RAJPUROHIT),J