

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

S.B. Criminal Misc(Pet.) No. 7188/2024

Abdul Kamran S/o Shri Abdul Kabir, Aged About 43 Years, R/o
Dps Choraha, Near Hotel Villeparle, Pal Road, Dist. Jodhpur,raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. The Station Hosue Officer, P.s. Kothwali, Bhilwara, Dist.
Bhilwara,raj.
3. Ramawtar S/o Shri Madan Lal, Aged About 50 Years, R/o
9-H-34, R.C. Vyas Colony, Bhilwara, Tehsil And Dist.
Bhilwara,raj.

-----Respondents

For Petitioner(s) : Mr. Nishank Madhan.

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

HON'BLE MR. JUSTICE ARUN MONGA

Order

16/10/2024

Learned counsel for the petitioner contends that the conceded allegations made against the petitioner is that he falsely stated before the learned Civil Judge, Bhilwara in an application filed therein that his name be deleted from the array of defendants since he has nothing to do with the Star Multi Purpose Cooperative Society. A civil suit was filed by the complainant against the said Society and petitioner as co-defendant. He submits that a police complaint has been filed under Sections 338, 336(3), 340(2), 318(4), 316(2) & 61(2) of IPC by the complainant, who is an advocate requesting for registration of an FIR. He further points out that based on the said complaint, the petitioner is being harassed at the instance of the advocate –

complainant and notice dated 07.10.2024 has been issued asking the petitioner to report at the police station.

He would further point out that even if the allegations contained in the police complaint filed by the advocate – complainant are taken to be gospel truth, it does not make out a case of registration of an FIR as no cognizable offence has been committed. He further points out that the remedy qua the same is to invoke Section 195 Cr.P.C. (Corresponding Section 215 of BNSS) by the competent court before whom alleged false statement was made.

Issue notice.

Mr. Vikram Rajpurohit, PP accepts notice on behalf of the respondent No.1 – State and seeks time to file status report. Let notices be issued to the respondents No.2 & 3.

Meanwhile, the respondent No.2 – SHO of the concerned police station shall file his personal affidavit qua the aforesaid averments. Till then, any contemplated further proceedings shall be put on hold.

(ARUN MONGA),J