

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

S.B. Criminal Misc(Pet.) No. 8988/2024

1. Chandra Kanwar W/o Shri Jogidan, Aged About 75 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
2. Beeru Kanwar W/o Shri Ram Singh, Aged About 54 Years, Charano Ka Puranawas, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
3. Praveen Singh S/o Shri Ram Singh, Aged About 34 Years, Charano Ka Puranawas, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
4. Kiran Kumari W/o Shri Praveen Mehru, Aged About 32 Years, Charano Ka Puranawas, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
5. Vikram Mehru S/o Shri Ram Singh, Aged About 33 Years, Charano Ka Puranawas, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
6. Antima W/o Shri Vikram Mehru, Aged About 30 Years, Charano Ka Puranawas, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
7. Nivedita D/o Shri Ram Singh, Aged About 28 Years, Charano Ka Puranawas, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
8. Jyoti D/o Shri Ram Singh, Aged About 27 Years, Charano Ka Puranawas, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
9. Mahipal Singh Mehru S/o Shri Jogi Dan, Aged About 49 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
10. Rajesh Kumari W/o Shri Mahipal Singh Mehru, Aged About 49 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
11. Madhusudan S/o Shri Mahipal Singh Mehru, Aged About 22 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
12. Daksha D/o Shri Mahipal Singh Mehru, Aged About 23 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.



13. Ajay Pal Singh S/o Shri Jogidan, Aged About 48 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
14. Meenakshi W/o Shri Ajay Pal Singh, Aged About 39 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
15. Prakash Kanwar W/o Shri Narendra Dan, Aged About 57 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through PP
2. Nemaram S/o Shri Mohanram, Bhakaro Ki Dhani, Borunda, Pipar City, Distt. Jodhpur Rural, Raj.

----Respondents

Connected With

S.B. Criminal Misc(Pet.) No. 8991/2024

Narendra Dan S/o Shri Umar Dan, Aged About 59 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Nemaram S/o Shri Mohanram, Bhakaro Ki Dhani, Borunda, Pipar City, Distt. Jodhpur Rural, Raj.

----Respondents

S.B. Criminal Misc(Pet.) No. 8996/2024

1. Ram Singh Mehru S/o Shri Jogidan, Aged About 55 Years, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
2. Om Prakash Jakhar S/o Shri Hanuman Ram, Aged About 50 Years, Village Garasni, P.s. Aasop, Distt. Jodhpur, Raj.
3. Prakash S/o Shri Multan Ram Ji, Aged About 55 Years, Beniwalo Ki Dhani, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.
4. Bheekh Singh S/o Shri Kalyan Singh, Aged About 58 Years, Near Bijlighar, Borunda, P.s. Borunda, Tehsil Pipar

City, Distt. Jodhpur Rural, Raj.

5. Rajendra Kumar Tak S/o Shri Devi Lal Tak, Aged About 51 Years, Joshion Ka Mohalla, Borunda, P.s. Borunda, Tehsil Pipar City, Distt. Jodhpur Rural, Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through PP
2. Nemaram S/o Shri Mohanram, Bhakaro Ki Dhani, Borunda, Pipar City, Distt. Jodhpur Rural, Raj.

----Respondents

For Petitioner(s)	:	Mr. Sachin Acharya, Sr. Advocate asst. by Mr. Rahul Rajpurohit Mr. Samyak Dalal
For Respondent(s)	:	Mr. N.K. Gurjar, GA-cum-AAG with Mr. Yogendra Singh Charan
For Complainant	:	Mr. Devendra Singh Rathore

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/01/2025

1. It is observed that that for the identical allegation, earlier a complaint got submitted in the Court of Judicial Magistrate, Pipar City in which the matter was referred to the police under sub-clause (2) of Section 202 of the Cr.P.C. and after conducting a thorough inquiry, it was concluded that the allegations do not constitute any offence.
2. Vide order dated 03.07.2024, the learned Magistrate concurred with the opinion of the Investigating Agency. Now, in relation to the identical allegation, the FIR under assail has been lodged. As a matter of fact, the *pattas*, for which it is alleged that the same were issued against prevailing rules,

have not been cancelled by the appropriate authorities. In this view of the matter, the matter requires consideration.

3. Issue notice to the respondents.
4. Shri N.K Gurjar, GA-cum-AAG accepts notice on behalf of the respondent No.1-State. Shri Rathore accepts notice on behalf of respondent No.2. Thus, service is complete. They shall file reply as to why the petitioners may not be allowed in light of the judgment passed by Hon'ble the Supreme Court in case of **Amit Anil Chandra Shah Vs. CBI** reported in **2013 SCC 348**.
5. List these matters on 03.03.2025.
6. In the meantime, no coercive measures shall be taken against the petitioners so also the result of investigation shall not be submitted without prior permission of this Court.

(FARJAND ALI),J