

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

S.B. Criminal Misc(Pet.) No. 9209/2025

1. Mohammad Hatim Khan S/o Javed, Aged About 21 Years, Resident Of 1125, Khwajabagh, Sawa, District Chittorgarh, Rajasthan.
2. Sohail Khan S/o Sabir Khan, Aged About 24 Years, Resident Of Kajodpura, Sawa, District Chittorgarh, Rajasthan.
3. Mohammad Afzal Khan S/o Mohammad Saeed Khan, Aged About 21 Years, Resident Of Kajodpura, Sawa, district Chittorgarh, Rajasthan
4. Balram Singh Rathore S/o Ajit Singh, Aged About 24 Years, Resident Kanota, District Jaipur.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Pramod Kumar S/o Unknown, Resident Of Bhupkheda, Bahrar, District Kotputli-Behror, Presently Residing Atpratap Nagar, District Bhilwara, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Dhrindra Singh, Sr. Advocate assisted by Mr. Aslam Khan
For Respondent(s)	:	Mr. Vineet Jain, Sr. Advocate-cum- Special PP assisted by Mr. Praveen Vyas

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

The matter is taken up today in view of the directions passed by the Hon'ble Supreme Court in ***SLP (Criminal) No. 4833/2026 dated 16.03.2026***, wherein this Court has been requested to decide the case on the next date of hearing or immediately thereafter.

The present Criminal Miscellaneous Petition has been filed by the petitioners under Section 528 of the BNSS for quashing of FIR No. 0534/2025 registered at Police Station Pratap Nagar, District

Bhilwara, for the offences under Sections 109(1), 121(1), and 132 of the BNS, and Section 3 of the Public Property Damage Prevention Act, 1984.

The challenge has been laid on the grounds that the petitioner is not named in the FIR. It is contended that at the time of the incident, only Sahil was arrested at the spot and the vehicle was seized from him. It is further submitted that in the ***Criminal Misc. Petition No. 94/2025*** filed by Pramod, who is the complainant, has stated that Sahil was present and was arrested. Therefore, it is argued that the present petitioner was not present at the site and has been falsely implicated. It is also contended that identification by a co-accused has no evidentiary value.

Per contra, the learned Special Public Prosecutor appearing for the State submits that there is clear evidence of the petitioner's presence in the vehicle and involvement in the incident. He has taken this Court through the case diary, which contains CCTV footage from toll plazas showing the presence of the petitioner in the vehicle just prior to the incident, as well as at the time when information was earlier conveyed by the personnel deputed at the check post. The learned Special Public Prosecutor further submits that the contention based on Criminal Misc. Petition No. 94/2025 filed by Pramod is misplaced, as a proper reading of the said petition shows that it does not state that Sahil was arrested on the spot; rather, it refers to the incident on the next date.

This Court has considered the arguments advanced by learned counsel for the petitioners and has gone through the FIR

as well as the case diary. A bare reading of the FIR clearly discloses the commission of a cognizable offence. Further, the case diary reveals the involvement of the petitioner, and there is specific CCTV footage indicating his presence in the vehicle involved in the incident just prior to its occurrence.

In view of the above, this Court is not inclined to interfere in the present matter, as there is sufficient material on record to show the involvement of the petitioner. The Hon'ble Supreme Court has consistently held that the investigating agency possesses the statutory right and authority to conduct a fair and complete investigation into the matter. It has been emphasized that courts should ordinarily refrain from interfering with the investigative process. Accordingly, while exercising jurisdiction under Section 528 of the BNSS, this Hon'ble Court ought not to stifle or throttle the investigation prematurely, unless exceptional circumstances warrant such intervention in the interest of justice.

Accordingly, in view of the fact that sufficient material is available on record prima facie indicating the involvement of the petitioner, this Court finds that no case is made out for interference in the present Criminal Miscellaneous Petition and hence the same stands dismissed.

(BALJINDER SINGH SANDHU),J