

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

S.B. Criminal Misc. Application No. 709/2025

Mangi Lal S/o Late Shri Bhima Ji, Aged About 45 Years, R/o
Bhala Ka Guda, Tehsil Kurabad, District -Udaipur (Raj)
(Complainant)

-----Petitioner

Versus

1. State Of Rajasthan, Through PP.
2. Ashish Dhing S/o Shri Basanti Lal Dhing, Aged About 44
Years, R/o 7-8, New Ahinsapuri, Girwa, District Udaipur,
Raj.
3. Puri Lal S/o Late Shri Bhima Ji, R/o Bhala Ka Guda, Tehsil
Kurabad, District Udaipur, Raj.

-----Respondents

For Petitioner(s)	:	Mr. Manish Kumar Vyas
For Respondent(s)	:	Mr. M.S. Godara Mr. Sudhir Saruparia Mr. Vikram Singh Rajpurohit, PP Mr. Kailash Chandra, Add. SP.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

24/02/2026 (Corrected on 10.03.2026)

1. By way of the present application under Section 528 of the BNSS, the applicant – Mangilal seeks recall of the order dated 23.07.2025 passed in S.B. Criminal Misc. Petition No. 3421/2025, which was decided by this Court on the basis of an alleged compromise between the parties. The recall is sought on the ground that no compromise ever took place between the complainant and the accused persons. It is further stated that the applicant's brother, Shri Purilal S/o Bhimaji, with whom the alleged compromise is stated to have been effected, is suffering from

mental health issues and has been assessed with 50% mild intellectual disability.

2. Considering the peculiar facts and circumstances of the case, and the grounds urged in the recall application, this Court vide order dated 16.02.2026/18.02.2026 directed the Investigating Officer/SHO, Police Station Badgaon, to have the applicant's brother – Purilal medically examined by a duly constituted Medical Board at a Government Hospital, Udaipur.

3. Today, when the matter was taken up, the Investigating Officer placed on record a copy of the Medical Board report dated 21.02.2026 pertaining to Mr. Purilal, issued by the Department of Psychiatry, M.B. Government Hospital (MBGH), Udaipur. The said report is ordered to be taken on record.

4. Upon perusal of the Medical Board report dated 21.02.2026, this Court prima facie finds that the ground raised in the recall application—namely, that the complainant's brother is suffering from mental health issues/mild intellectual disability—cannot be brushed aside. The report confirms that Purilal has been issued a disability certificate dated 05.08.2025 on the basis of evaluation conducted at the Psychiatric Centre, SMS Medical College, Jaipur.

5. In view of the aforesaid facts and circumstances, this Court deems it just and proper to allow the present application filed under Section 528 BNSS seeking recall of the order dated 23.07.2025 passed in S.B. Criminal Misc. Petition No. 3421/2025, whereby FIR No. 77/2025 registered at Police Station Badgaon, District Udaipur, for the offences under Sections 318(4), 316(2), 140(3) and 61(2)(a) of the BNS and Sections 3(1)(g) and 3(2)(va) of the SC/ST Act was quashed.

6. The Investigating Officer is directed to proceed with and complete the investigation strictly in accordance with law, without being influenced by the order dated 23.07.2025 passed in S.B. Criminal Misc. Petition No. 3421/2025.

7. The Registry is directed to list S.B. Criminal Misc. Petition No. 3421/2025 before the appropriate Bench as per the roster.

(KULDEEP MATHUR),J

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