HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 10476/2025

Aavas Financiers Limited, (Formerly Knows As Au Housing Finance Limited) Through Its Authorized Signatory Mr. Mahesh Sharma, Age 32 Years, Having Registered And Corporate Office At 201-202, 2Nd Floor, Southend Square, Mansarovar Industrial Area, Jaipur-302020 (Raj). And Branch Office At 2Nd Floor, Shop Numbers 1And 2, Chak 3 E, Murba Number - 35/37, 21 Shakti Marg, Near Rajasthan Patrika, Sri Ganganagar- Rajasthan-335001.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Manoj Kumar S/o Lalchand, Resident Of 11 Lnp Khayaliwala, Sri Ganganagar, Sadar Ganganagar, Ganga Nagar, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Arpit Mehta
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP Mr. D.S. Thind

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

21/01/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 BNSS for quashing of FIR No.135/2025 registered, at Police Station Sadar Ganganagar, District Ganganagar for the offences under Sections 420 and 120-B of IPC.

The present FIR was registered by the complainant- Manoj Kumar who was the co-borrower along with his father, who died in the year 2025. Loan was taken in the year 2023. The loan policy also contained an insurance policy, as per which, if the loanee expires, the insurance company shall clear the loan amount and the burden will not lie upon the borrower.

After the death of the father of the complainant, the loan was not cleared by the Insurance Company stating that the insured was not the father, but Manoj Kumar himself; but since, he is alive, the insurance policy which was issued by the ICICI does not get activated. The complainant lodged an FIR stating that the respondents have manipulated the records and in fact, the father was the loanee and he was the person who insured but, thereafter, by manipulating the records they have changed insured in order to shrink away from their responsibility to pay the loan and they have played fraud.

Learned Counsel for the petitioner submits that the insurance being specifically issued on the name of the complainant himself, therefore, the FIR has been lodged with the mala fide intention only to harass the petitioner.

Learned counsel for the complainant, who is present states that they had never received any such policy nor it was supplied to them. The loan was taken by his father, and he was the co-borrower and therefore, the person insured was the main person, who borrowed the money, which was father of the complainant. It is submitted that the respondent finance company has manipulated the records to run away from their liability.

Having heard learned counsel for both the parties, this Court finds the issue to be of serious nature, the loanee in the present case has taken the loan from the Private Finance Company and has expired, the co-borrower was insured by Insurance Company.

As per the averments of the counsel for the respondent, the policy was never made available to him.

Learned counsel for the petitioner has stated that they have no involvement in the matter and he prays for interim protection. At this stage this Court is not inclined to grant any interim protection to the petitioner-company as the blanket stay has been sought on investigation by the company and no individual is before this Court. This Court would first like to seek the report of the Investigating Agency. The matter is of serious concern as loanee appears to have been defrauded through manipulation of record.

In view of the same, the Superintendent of Police is directed to oversee the investigation and submit the report on the next date. The report may also be submitted regarding any other similar case to have been registered against the petitioner-company.

The Investigating Officer shall remain present before this Court on the next date of hearing along with case diary.

(BALJINDER SINGH SANDHU),J

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