

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.90/2023
URN: CRLMP / 163U / 2023

Mohammad Sohil Son Of Mohammad Yasin, Resident Of Town Fatehpur, Near Nawalgarh Puliya, Police Station Fatehpur Kotwali, District Sikar (Raj).

-----Petitioner

Versus

- 1. State Of Rajasthan, Through P.P.
- 2. Farzana Bano Wife Of Mohammad Sohil D/o Shri Jafar Hussain, Resident Of Ward No. 25, Bani Mohalla, Udaipurwati, Police Station Udaipurwati, District Jhunjhunu (Raj).

-----Respondents

For Petitioner(s)	:	Mr. Ripu Daman Singh Naruka
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, PP
		Mr. Saransh Saini
		Mr. Vinod Kr. Sharma
		Ms. Ayushi Singh
		Ms. Sanjana Choudhary
		Mr. Neeraj Kr. Pal

JUSTICE ANOOP KUMAR DHAND

Order

07/07/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon’ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon’ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder,

rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.

2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long, on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned FIR No.186/2022 registered with the Police Station Fatehpur Kotwali, District Sikar for the offences punishable under Sections 420, 467, 468, 471 & 120B IPC.

4. Learned counsel for the petitioner submits that as per the allegations levelled in the impugned FIR, a forged Ration Card was prepared by the petitioner on 08.07.2013, wherein he had mentioned names of two children. Learned counsel submits that the names of the children of certain other family members were inadvertently mentioned, therefore, no offence is made out against the petitioner. Learned counsel submits that the impugned FIR has been registered by none other than the wife of the petitioner on account of a matrimonial dispute pending between them, hence, interference of this Court is warranted.

5. *Per contra*, learned Public Prosecutor as well as counsel appearing on behalf of the complainant opposed the arguments raised by learned counsel for the petitioner and submitted that the complainant is a legally wedded wife of the petitioner and no child was born from their wedlock at the time of preparation of the Ration Card, as the same was prepared on 08.07.2013 and a child was born to them on 31.07.2015 i.e. after a period of two years

from the date of preparation of forged Ration Card. He further submits that aforesaid fake, fabricated and forged document was prepared by the petitioner in order to avail benefits of government schemes and for the aforesaid act of the petitioner the impugned FIR has been registered against him. Hence, interference of this Court is not warranted.

6. Heard and considered the submissions made at the Bar and perused the material available on record.

7. A bare reading of the impugned FIR reveals commission of cognizable offence. The correctness of the allegations levelled against the petitioner in the FIR cannot be examined by this Court, while exercising its inherent powers contained under Section 482 Cr.P.C. This Court cannot conduct fishing and roving enquiry to find out the truth behind the allegations levelled against the petitioner, inasmuch as, this task has been assigned to the Investigating Officer.

8. Considering the overall facts and circumstances of the case, this Court deems it just and proper to dispose of the instant criminal misc. petition granting liberty to the petitioner to file an appropriate representation before the Investigating Officer. It is expected from the Investigating Officer to consider the same and submit the conclusion report of investigation under Section 173 Cr.P.C. before the Competent Court, strictly in accordance with law.

9. In case, the Investigating Officer finds any *prima facie* case against the petitioner and wants to submit charge sheet against him, he may do so, however, the petitioner be not arrested as the interim order is operating in his favour from the date of filing of

the misc. petition and his custodial investigation is not required for the purpose of submission of charge-sheet/investigation.

10. Accordingly, the instant criminal misc. petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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