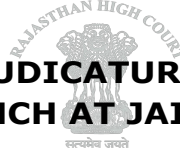




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



**S.B. Criminal Miscellaneous (Petition) No. 887/2017**

Rajendra Meena S/o Shri Manna Lal B/c Meena, R/o Sahkar Marg, District Jaipur, Raj.

-----Petitioner

Versus

1. State Of Rajasthan Through P.P.
2. Ladu Ram S/o Shri Lalu B/c Bheel, R/o Nadi Mohalla, Vijay Nagar, Police Station Vijay Nagar, Tehsil Masuda, District Ajmer, Raj.

-----Respondents

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|-------------------|---|----------------------------|
| For Petitioner(s) | : | Mr. Shyam Kant Sharma      |
| For Respondent(s) | : | Mr. Amit Kumar Punia, P.P. |

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**HON'BLE MR. JUSTICE GANESH RAM MEENA**

**Order**

**06/05/2026**

1. The present petition has been filed by the accused-petitioner (for short, 'petitioner') under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') with the prayer to quash the order dated 30.06.2016 passed by the learned Additional Sessions Judge No. 1, Beawer, District Ajmer (for short, 'the learned Revisional Court') whereby the revision petition filed by the petitioner was dismissed and also, with the prayer to quash the order of taking cognizance dated 16.12.2011 passed by the learned Judicial Magistrate-I, Vijay Nagar, District Ajmer (for short, 'the learned trial Court').

2. The facts of the case in brief are that a complaint was filed by the respondent No. 2 on 09.02.2010 against the



petitioner and four other persons with the averments that the accused Jagdish and one deceased Ramlal (husband of accused No. 4 Nyali as mentioned in the FIR) sold a piece of land situated at Village Kesarpura, Patwar Halka-Badi, Tehsil Masooda to the respondent No. 2 with an assurance to register the sale deed. It was averred that instead of registering the said sale deed, another sale deed was executed in favour of the petitioner and the same was registered by accused Nos. 1-3 on 11.09.2009 and by accused No. 4 on 09.09.2009.

Thereafter, an FIR bearing No. 43/2010 was registered at the Police Station, Vijay Nagar, District Ajmer and a negative final report, mentioning the matter to be of a civil nature, was submitted before the learned trial Court on 07.05.2010. Against the said final report, a protest petition was filed by the respondent No. 2 on 18.08.2011.

3. Pursuant to this, the learned trial Court took cognizance against the petitioner and the other accused persons under Sections 420, 120-B of the Indian Penal Code, 1860 (for short, 'IPC') vide its order dated 16.12.2011.

4. Being aggrieved by the order of taking cognizance, the petitioner preferred a revision petition before the learned Revisional Court which came to be dismissed vide its order dated 30.06.2016.

5. Learned counsel for the petitioner submits that the entire dispute is of only Rs. 20,000/- and even the police upon investigation, found the matter to be of civil nature.



He further submits that a settlement was arrived at between the respondent No. 2 and the other accused persons and it was mutually decided that a piece of land measuring 03 Bigha bearing Khasra No. 424 along with a sum of Rs. 20,000/- would be given to the respondent No. 2 in place of the previous land bearing Khasra Nos. 404 and 405.

Learned counsel also submits that the petitioner had no knowledge about the land being previously sold to the respondent No. 2 and thus, the cognizance was not taken on proper facts.

6. Considered the averments made in petition and the submissions made by the counsel for the parties and so also perused the material made available on record.

7. It is a well-settled fact that at the stage of taking cognizance, only a *prima facie* case is required to be ascertained by the Court and such order of cognizance cannot be interfered with easily. The Hon'ble Apex Court in the case of **Nupur Talwar v. CBI, (2012) 2 SCC 188** has held as under:-

*"17. ...At the stage of taking of cognizance of offence, the court has only to see whether prima facie there are reasons for issuing the process and whether the ingredients of the offence are there on record.*

*...*

*19. The correctness of the order whereby cognizance of the offence has been taken by the Magistrate, unless it is perverse or based on no material, should be sparingly interfered with....*

*...*

*21. We feel constrained to observe that at this stage, this Court should exercise utmost restrain*



*and caution before interfering with an order of taking cognizance by the Magistrate, otherwise the holding of a trial will be stalled. The superior courts should maintain this restraint to uphold the rule of law and sustain the faith of the common man in the administration of justice.*

**22.** *Reference in this connection may be made to a three-Judge Bench decision of this Court in India Carat (P) Ltd. v. State of Karnataka (1989) 2 SCC 132. Explaining the relevant principles in para 16, Natarajan, J. speaking for the unanimous three-Judge Bench, explained the position so succinctly that we would rather quote the observation as under: (SCC pp. 139-40)*

*"16. The position is, therefore, now well settled that upon receipt of a police report under Section 173(2) a Magistrate is entitled to take cognizance of an offence under Section 190(1)(b) of the Code even if the police report is to the effect that no case is made out against the accused. The Magistrate can take into account the statements of the witnesses examined by the police during the investigation and take cognizance of the offence complained of and order the issue of process to the accused. Section 190(1)(b) does not lay down that a Magistrate can take cognizance of an offence only if the investigating officer gives an opinion that the investigation has made out a case against the accused. The Magistrate can ignore the conclusion arrived at by the investigating officer and independently apply his mind to the facts emerging from the investigation and take cognizance of the case, if he thinks fit, in exercise of his powers under Section 190(1)(b) and direct the issue of process to the accused...."*

8. It is a widely known fact that Section 482 Cr.P.C. needs to be exercised very sparingly and cautiously only



when the court comes to the conclusion that there would be manifest injustice or there would be abuse of the process of the law, if such power is not exercised. In the present case, the Court has perused the document of compromise dated 28.10.2024 which has been produced by the petitioner by filing an application for taking documents on record on 21.01.2026.

The original sale deed which was executed in favour of the respondent No. 2 dates back to the year 2005 and the registration of another sale deed in favour of the petitioner dates back to the year 2009. No evidence of any compromise being entered between the respondent No. 2 and the other accused persons before the registration of the said second sale deed has been produced.

9. Considering the evidences appraised by the learned Courts below, it appears that the petitioner, despite having knowledge regarding the prior agreement between respondent No. 2 and the other accused persons, continued to purchase the disputed land. The said act on the part of the petitioner shows his involvement in the conspiracy in the said matter along with the other accused persons.

Meaning thereby, taking the evidences at their face value, a *prima facie* case is made out against the petitioner. At the stage of taking cognizance, the Courts cannot be expected to sift the evidence in order to come to the conclusion that no *prima facie* case exists against the petitioner.



10. Having gone through the orders passed by the Courts below and also, having regard to the judgement cited above and taking into consideration the overall facts and circumstances of the case, the Court finds no error or illegality in the impugned orders.

11. Accordingly, the present criminal misc. petition being devoid of merit, is hereby, dismissed.

12. In view of the order passed in the main petition, stay application as well as pending application, if any, also stands disposed of.

**(GANESH RAM MEENA),J**