

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 565/2022

1. Ramphool Gurjar S/o Prabhu Lal, Aged About 54 Years, R/o Village Tumbipura, P.S. Dei, District Bundi, (Rajasthan).
2. Kishan Gurjar S/o Devi Lal Gurjar, Aged About 44 Years, R/o Village Tumbipura, P.s. Dei, District Bundi, (Rajasthan).
3. Harji Gurjar S/o Shree Kishan, Aged About 66 Years, R/o Village Tumbipura, P.s. Dei, District Bundi, (Rajasthan).

-----Petitioners

Versus

1. State Of Rajasthan, Through PP.
2. Kamal Kumar Meena S/o Rajaram Meena, Aged About 40 Years, R/o Village Mahveerpura, P.s. Nainwa, District Bundi Presently Living At Forest Guard Wildlife Kota Range, P.s. Dei, District Bundi, (Rajasthan).

-----Respondents

For Petitioner(s)	:	Mr. Hridayesh Singh
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

23/04/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned FIR No.254/2021, registered with Police Station Dei, District Bundi for the offences punishable under Sections 143, 332, 353 & 392 IPC and Section 3(1)(s) and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the petitioners submits that on 18.11.2021, when the petitioners were going to a temple in a

sawamani, the complainant side assaulted the petitioner No.1 and other family members and threatened to lodge a false FIR against them under the SC/ST Act. Counsel submits that a report in this regard was given to the Station House Officer, Police Station Dei, District Bundi, but no heed was paid by the concerned police. Hence, a representation was also submitted to the Superintendent of Police, Bundi on 19.08.2021, but no heed was paid by the police officials again. Counsel submits that on the same day of incident i.e. on 18.11.2021, the impugned FIR has been lodged by the complainant against the petitioners with false and fabricated allegations averring that the petitioners have caused an incident with the complainant side. In fact, no such incident has occurred and the petitioners have been falsely booked in the impugned FIR. Hence, interference of this Court is warranted.

3. *Per contra*, learned Public Prosecutor opposes the prayer made by counsel for the petitioners and submits that after thorough investigation by the Investigating Agency in the present case, *prima facie* role of the petitioners was found to be proved for the above stated offences. Hence, interference of this Court is not warranted and the instant petition is liable to be rejected.

4. Perusal of the allegations levelled in the FIR reveals commission of cognizable offence. The correctness of the allegations cannot be examined/adjudicated by this Court by conducting a fishing and roving enquiry. Certainly, this task has been assigned to the Investigating Officer.

5. In the considered opinion of this Court, the petitioners are at liberty to submit a detailed representation before the Investigating

Officer. In case, such representation is submitted by the petitioner before the Investigating Officer, he shall examine the same and submit the conclusion report under Section 173 Cr.P.C. before the concerned Court, in accordance with law.

6. With the aforesaid observations, the instant criminal misc. petition stands disposed of. Stay application as well as all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J

KuD/8