



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



S.B. Criminal Miscellaneous (Petition) No. 289/2019

Roop Narayan Raigar S/o Sh. Daluram B/c Raigar, Aged About 61 Years, R/o House No.1484, Gangapole Darwaja, Near Police Chowki, Raigaron Ka Mohalla, Jaipur, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through PP.
2. Gopal Lal Atal S/o Shri Bhonrilal, Aged About 48 Years, R/o House No.1484, Gangapole Darwaja, Near Police Chowki, Raigaron Ka Mohalla, Jaipur, Raj.

-----Respondents

For Petitioner(s)	:	Mr. R.K. Daga
For Respondent(s)	:	Mr. Amit Kumar Gupta, P.P. Mr. Jitendra Kumar Meena

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

04/05/2026

1. This criminal misc. petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') with the prayer to quash and set aside the order dated 25.10.2018 passed by the learned Additional Sessions Judge No. 4, Jaipur Metropolitan, Jaipur whereby the criminal revision petition was allowed and the order dated 25.10.2017 passed by the learned Additional Chief Metropolitan Magistrate No. 16, Jaipur Metropolitan, Jaipur was set aside.

2. The brief facts of the case are that the respondent No. 2/Complainant (for short, 'respondent No. 2') is a close relative of the petitioner and wanted to purchase his house.



The respondent No. 2 filed a complaint before the Police Station Subhash Chowk, Jaipur, and a complaint under Sections 107 and 116(3) Cr.P.C. was subsequently submitted by the police before the learned Executive Magistrate, District Jaipur North.

2.1. The respondent No. 2 filed a complaint before the learned Metropolitan Magistrate No. 32, Jaipur Metropolitan for offences under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 (for short, 'IPC'), which was sent by the learned Magistrate for investigation under Section 156(3) Cr.P.C., on the basis of which an FIR was registered at Police Station Sadar, Jaipur (West).

2.2. The police submitted a negative final report on 31.03.2014. In response to this, the respondent No. 2 filed a protest petition before the learned Additional Chief Metropolitan Magistrate No. 16, Jaipur Metropolitan, Jaipur (for short, 'the learned trial Court') however, the same was dismissed vide order dated 25.10.2017.

2.3. The respondent No. 2 assailed the aforesaid order by way of revision petition, which was transferred to the Court of Additional Sessions Judge No. 4, Jaipur Metropolitan (for short, 'the learned Revisional Court') and the same was allowed vide order dated 25.10.2018 and the order dated 25.10.2017 was set aside. Further, the case was remitted to the learned trial Court with a direction to pass a fresh order after hearing the complainant.

3. The allegations levelled against the petitioner by the respondent No. 2 are that the petitioner was appointed as



a IVth Class in PWD in the year 1971 based on the birth certificate issued by the Member of Legislative Assembly (for short, 'MLA') in which the date of birth of the petitioner was falsely shown as 13.07.1952, and thus, a case for forgery and cheating is made out against him.

4. The learned counsel for the petitioner submits that the service record maintained by the PWD department as per Rule 8(A) and 8(2)(a) of the Rajasthan Service Rules shows the actual date of birth of the petitioner as 11.05.1957 and the age ascertained by the Medical Board was 55 years, which was similar to that mentioned in the service record, thus, no case of forgery and cheating is made out against the petitioner.

The learned counsel further contends that the petitioner took voluntary retirement on 14.09.2011 which was much prior to the lodging of the FIR.

5. Considered the submissions made by the counsel for the parties and also perused the material made available on record.

6. The learned Revisional Court appraised the fact that the learned trial Court vide its order dated 07.09.2015 ordered for further investigation, noting that no investigation has been conducted as regards to the MLA and the Headmaster who issued the birth certificate.

6.1. In response to this, the Investigating Officer (for short, 'I.O.') again presented the final report stating that the letter issued by the Chief Engineer, Public Works Department, Rajasthan, Jaipur mentioned that the petitioner obtained his



job on the basis of the birth certificate issued by the MLA. No finding with respect to the MLA or the Headmaster was made.

6.2. It is worthwhile to mention that the learned Revisional Court noted in its order dated 25.10.2018 that it was not the responsibility of respondent No. 2 to raise complaint against the findings of the I.O., rather, the I.O. failed to appropriately provide information regarding the investigation conducted by him beyond the then-Headmaster employed in the year 1963.

6.3. Further, no inquiry was made with respect to the petitioner's claim regarding an MLA named Shravan Kumar though there was a specific order of the concerned Magistrate.

7. Having regard to the observations made by the learned Courts below and taking into consideration the overall facts and circumstances of the case, the Court finds no error or illegality. It is the duty of the I.O. to conduct a thorough investigation in order to bring out the truth and when the same was not done properly, the complainant could not be burdened with the responsibility to raise complaint against such investigation.

In the present case, a proper investigation with regards to the MLA and the Headmaster who issued the birth certificate to the petitioner, was necessary in order to arrive at the right conclusion. The learned Revisional Court has, thus, rightly intervened by directing the learned trial Court to pass a fresh order after hearing the respondent No. 2.



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

9. 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

SHRUTI SHARMA /29