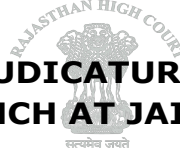




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 1662/2015

Shree Ram Vijayvergiya S/o Shri Jagdish Narayan Vijayvergiya,  
resident of Plot No.56, Brij Colony, Moti Bandha Road, Macheda,  
Jaipur.

-----Accused-Petitioner

Versus

1. State of Rajasthan through PP

-----Respondent

2. Ashok Kumar Gupta S/o Shree Ram Gupta, resident of Plot  
No.127, Krishana Kunj, Bdharna, V.K.I, Area, Jaipur.

-----Complainant/Non-petitioner

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|                   |   |                                            |
|-------------------|---|--------------------------------------------|
| For Petitioner(s) | : | Mr. Govind Gupta                           |
| For Respondent(s) | : | Mr. Amit Kumar Punia, Public<br>Prosecutor |

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

**Order**

**05/05/2026**

1. This criminal misc. petition has been filed by the accused-petitioner for quashing of FIR No.117/2015 registered at Police Station Vishwakarma, District Jaipur (North) for the offences punishable under Sections 420 and 406 IPC.

2. Learned counsel for the accused-petitioner submits that the dispute between the parties is in regard to some money transaction, which is a civil dispute and no act of the accused-petitioner can be said to be a criminal act with criminal intention. He further submit that there was an agreement between the parties and in respect of that agreement, the complainant has given a cheque to the accused-petitioner and when the said cheque was submitted to the bank, it was dishonoured for want of



sufficient fund in the bank account of the complainant and thereafter, notices were served to the complainant and the proceedings under Section 138 of the Negotiable Instruments Act were also initiated.

3. On the other hand, learned Public Prosecutor submits that as per the contents of the FIR, it does not seem to be the civil dispute. He also submits that the cheque which is said to have been given to the accused-petitioner by the complainant does not pertain to the payment towards the plot which is said to have been sold to the complainant by the accused party.

4. Considered the submissions made by counsel for the petitioner as well as learned Public Prosecutor and also perused the contents of the FIR.

5. On going through the averments made in the FIR, the Court finds that the allegations made in the FIR cannot be said to be related to some civil dispute as the accused is said to have obtained money from the complainant for selling out the plot for which the complainant has never been shown the plot nor the place where the plot is situated.

6. The accused-petitioner is said to have dishonestly received the money from the complainant by deceiving him for selling the plot which neither exists nor the accused-petitioner has given possession of the said plot to the complainant even after receiving money from him. There are allegations that whatever cheques have given to the accused-petitioner, he has encashed by different names by submitting the same in the bank account of different persons whereas, the complainant has already given the cheques



as regards payment of the plot which is said to have been sold by the accused-petitioner to the complainant.

7. Taking into consideration overall facts and circumstances of the case and so also the allegations made in the FIR, this Court cannot make any enquiry into the allegations and the investigation is required to be made by the Police and no case is made out for quashing the FIR as the present case does not fall within the parameters of quashment of FIR as laid down by the Hon'ble Apex Court in the case of ***State of Haryana Vs. Ch. Bhajan Lal & Ors.*** reported in ***1992 Supp (1) SCC 335.***

8. Hence, this 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