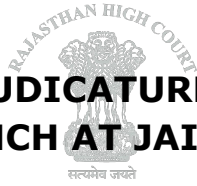


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 5668/2016

1. Shankar S/o Shri Lakkhi B/c Gurjar, Gurjar Balai Tehsil Roopwas, District Bharatpur Raj.
2. Gajendra Singh S/o Shri Nihal Singh, Khera Thakur, Tehsil Roopwas, District Bharatpur Raj.

-----Petitioners

Versus

1. State of Rajasthan Through PP
2. Roshan S/o Shri Sanji Ram, Rudawal, Police Station Rudawal, District Bharatpur Raj.

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP Mr. Mukesh Dudi for complainant

JUSTICE ANOOP KUMAR DHAND

Order

22/04/2026

1. By way of filing the instant petition, a challenge has been led to the impugned FIR No.301/2016, registered with Police Station Rudawal, District Bharatpur for the offences punishable under Section 143, 323, 341 & 379 IPC.
2. It has been averred in the present petition that the subject land was allotted to one Roop Singh, Panna Lal, Jangaram and Santosh Kumar all S/o Shri Genda. The possession of the subject land was given to them and they were cultivating on the subject land since thereafter the complainant has no concern whatsoever, with the subject land but he wanted to get the same forcefully, so the instant case with false & fabricated allegations has been

lodged. In fact, no such incident alleged has occurred. Hence, a prayer has been made for quashing the FIR.

3. At the outset learned Public Prosecutor submits that after investigation, the police has found *prima facie* case against the petitioner along with co-accused persons for the above stated offences and charge-sheet was prepared way back in the year 2016, but on account of the interim order passed by this Court which is operating in the instant petition, the charge-sheet should not be submitted. He further submits that *prima facie* involvement of the petitioners has found to be proved. Hence, under these circumstances, interference of this Court is not warranted and the instant petition is liable to be rejected.

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

5. Perusal of the allegations levelled in the impugned FIR reveals commission of a cognizable offence and the correctness of the allegations cannot be adjudicated by this Court at this stage while exercising its inherent powers contained under Section 482 Cr.P.C. This Court is not supposed to conduct a fishing and roving inquiry to find the truth in the allegations levelled. Certainly, this task has been assigned to the Investigating Officer who after thorough investigation from all four corners has found *prima facie* case against the petitioners.

6. Considering the overall facts and circumstances of the case, this Court deems it just and proper to dispose of the instant petition while granting liberty to the petitioners to take all available defence and grounds which have been taken before this Court, at the appropriate stage of the Trial before the Trial Court.

7. With the aforesaid observation and direction, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

Shivam/30