

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2188/2011

Bansidhar Sharma son of Shri Surajmal Sharma aged about 45 years, resident of Mukam Post Vimalpura, Tehsil Chomu, District Jaipur.

-----Petitioner

Versus

1. The State Of Rajasthan Through P.P.
2. Akhilesh Sharma, Director Mesars Ayu. Life. Network Pvt. 230/130, Sec 23, Pratap Nagar, Sanganer, Jaipur.

-----Respondent

For Petitioner(s)	:	Mr. Kapil Nagayach and Mr. Avtar Singh Rathore
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP Mr. Ram Prasad for Mr. Prahlad Sharma

JUSTICE ANOOP KUMAR DHAND

Order

30/04/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned FIR No.49/2011 registered with Police Station Bani Park, District Jaipur for the offences under Sections 380, 420, 467, 468, 471 and 120B IPC.
2. Learned counsel for the petitioner submits that with a mala fide intention, the instant FIR has been lodged with false allegations, as the same has been lodged out of personnel vengeance with an ulterior motive to implicate the petitioner in false case. Hence, interference of this Court is warranted.
3. Per contra, learned Public Prosecutor opposes the prayer and submits that after investigation charge-sheet has been submitted

against the petitioner for the offences punishable under Sections 467, 380, 468, 471 and 120B IPC before the Court of Judicial Magistrate No.17, Jaipur Metropolitan in the year 2015 by finding *prima facie* case. Hence, under these circumstances interference of this Court is not warranted and the petition is liable to be rejected.

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

5. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence. The correctness of the allegations cannot be examined or adjudged by this Court while exercising its inherent jurisdiction under Section 482 Cr.P.C. This Court cannot conduct fishing and roving inquiry to find out the truth behind the allegations levelled against the petitioner. Certainly, this task has been assigned to the Investigating Officer, who has investigated the matter and has found *prima facie* case against the petitioner and submitted charge-sheet against the petitioners.

6. Considering the above facts and circumstances of the case, this Court deems it just and proper to dispose of the instant misc. petition granting liberty to the petitioner to take all the grounds and all available defences which have been taken before this Court, at the appropriate stage of the trial.

7. 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