

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1620/2022

Kamal Kishore S/o Durgalal Soni, aged about 34 Years, Resident of Devliyakalan, P.S. Bhinay, Distt. Ajmer (Raj).

-----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Victim, aged about 32 Years, R/o

-----Respondents

For Petitioner(s)	:	Mr. Avinash Dhanju and Mr. Kamlesh Kaswan for Mr. Praveen Kumar Jain
For Respondent(s)	:	Mr. Jitendra Singh Rathore-PP Mr. Gaurav Gupta-Asstt.G.A. Mr. Amit Jindal for Mr. Rajesh Kumar Mutha

JUSTICE ANOOP KUMAR DHAND

Order

26/05/2026

1. By way of filing the instant criminal misc. petition, a prayer has been made to quash the impugned FIR No. 18/2022, registered with Police Station Bhinay, District Ajmer for the offence punishable under Section 376 IPC.
2. Learned counsel for the petitioner submits that as per the allegations levelled in the impugned FIR, the prosecutrix was in a relationship with the petitioner since 2009. Counsel submits that this relationship continued for a period of more than twelve years and now, the impugned FIR has been lodged by the prosecutrix based on false allegations that the petitioner has put sindoor on the head of the prosecutrix and now he has solemnized marriage with another girl. Counsel submits that the prosecutrix is a major

lady. Counsel further submits that the impugned FIR has been lodged with false allegations with an ulterior motive to harass the petitioner. Hence, interference of this Court is warranted.

3. Per contra, learned Public Prosecutor as well as counsel for the complainant oppose the prayer and submit that the relationship between the petitioner and prosecutrix was developed on account of false promise of marriage by the petitioner and thereafter, the petitioner solemnized marriage with another girl. Counsel submits even the Investigating Officer has also found a *prima facie* case against the petitioner for the above stated offence. Hence, interference of this Court is not warranted and the instant petition is liable to be rejected.

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

5. The allegations levelled in the impugned FIR reveal 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. Certainly, this task has been assigned to the Investigating Officer, who has thoroughly investigated the matter from all four corners and found *prima facie* involvement of the petitioner in the alleged incident.

6. In the considered opinion of this Court, the petitioner is at liberty to take all grounds and all available defences, which have been taken before this Court at the appropriate stage of the trial before the Trial Court.

7. With the aforesaid observations, the present criminal misc. petition stands disposed of. Stay application as well as all pending application(s), if any, stand disposed of.

(ANOOP KUMAR DHAND),J

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