

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1859/2021

Jeevanram Raigar S/o Shri Ganesh Nath, R/o Gudhaman Singh,
Police Station Kalwar, District Jaipur.

----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Smt. Dakha Devi W/o Shri Banshilal Raigar, R/o Village Harsoli, Tehsil Dudu, District Jaipur.
3. Victim-, R/o

----Respondents

For Petitioner(s) : Mr. Martand Pratap Singh

For Respondent(s) : Mr. N.S. Dhakar-PP

JUSTICE ANOOP KUMAR DHAND

Order

21/04/2026

1. By way of filing the instant criminal misc. petition, a prayer has been made to quash the impugned FIR No. 209/2019, registered with the Police Station Dudu, District Jaipur Rural for the offences punishable under Sections 363 and 366 IPC and the entire proceedings arising out of the same which are pending before the Court of Special Judge, POCSO Act, 2012, District Jaipur.
2. Counsel for the petitioner submits that during the course of the trial, statements of the victim-"S" @ "T" (PW2) were recorded, in which she stated that she was already married with one Mukesh, who used to beat her after consuming liquor, hence, she left her matrimonial home and she was residing separately at her maternal home. In fact, her parents used to forcefully send her back to her in-laws' house but she never wished to return to her

matrimonial home. Thereafter, she started residing with the petitioner and subsequently, she became pregnant. Counsel further submits that the prosecutrix made a contradictory statements before the Court below when the question was raised that as to whether any physical relationship was established with the petitioner or not? On this basis, the instant petition has been preferred for quashing the proceedings.

3. Per contra, learned Public Prosecutor opposes the prayer made by counsel for the petitioner and submits that the allegations levelled in the FIR reveals the commission of a cognizable offence. Counsel submits that after investigation, charge-sheet was submitted against the petitioner by the Investigating Agency by finding a prima facie case against him, hence, interference of this Court is not warranted and the present petition is liable to be rejected.

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

5. Looking to the fact that now the statements of the prosecutrix-"S" @ "T" (PW2) have already been recorded before the Trial Court, this Court is not inclined to entertain the instant petition or decide the matter on its merit, as any finding given by the Court may affect the case of either side. Under these circumstances, this Court is of the considered opinion that the matter is required to be decided by the learned Trial Court on the basis of the evidence of the prosecutrix (PW2) after properly appreciating her evidence along with the other evidence, at the appropriate stage of the trial.

6. With the aforesaid observations, the present petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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