

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.2459/2022

1. Mahaveer Singh S/o Shri Prabhu Singh Rathore, R/o 3 G/84, Kudi Bhagatasani Housing Board, Jodhpur City West, Rajasthan.
2. Prabhu Singh Rathore S/o Shri Ummed Singh Rathore, R/o 3G/84, Kudi Bhagatasani Housing Board, Jodhpur City West, Rajasthan.
3. Krishanpal Rathore S/o Shri Prabhu Singh Rathore, R/o 3 G/84, Kudi Bhagatasani Housing Board, Jodhpur City West, Rajasthan.
4. Mamta Kanwar D/o Shri Prabhu Singh Rathore, R/o 3 G/84, Kudi Bhagatasani Housing Board, Jodhpur City West, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Victim

----Respondents

For Petitioner(s)	:	Mr. Gajendra Singh Rathore
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

20/04/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned FIR No.14/2022 registered with Police Station Mahila Thana, District Jaipur (West) for the offences punishable under Sections 498 A, 406, 323, 341, 506, 120 B, 376 and 377 IPC.
2. Learned counsel for the petitioners submits that with an ulterior motive, all the family members of the petitioner No.1 have

been falsely implicated by the complainant-respondent based on vague and false allegations. Hence, interference of this Court is warranted.

3. *Per contra*, learned Public Prosecutor submits that after thorough investigation in the matter, the Police has found involvement of only petitioner No.1 i.e. Mahaveer Singh confined to offence under Section 498-A IPC only and the other alleged offences were not found to be proved against him. Further none of the alleged offences have been found to be proved against the other accused persons. Learned counsel submits that charge-sheet has already been submitted against the petitioner No.1 under Section 498-A IPC before the Court of Additional Chief Metropolitan Magistrate (Communal Riots Cases) Jaipur Metropolitan-II, Jaipur on 17.10.2022. 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 the record.

5. The correctness of the allegations cannot be examined or adjudicated by this Court in its inherent jurisdiction contained under Section 482 Cr.P.C., if the allegations levelled in the FIR reveal commission of cognizable offence. Certainly, this task has been assigned to the Investigating Officer, who has already investigated the matter from all the four corners and has not found involvement of petitioner Nos.2 to 4 and even involvement of petitioner No.1 has not been found to be proved in all the offences for which the impugned FIR has been lodged. *Prima facie*, the offence under Section 498-A IPC only has been found qua the

petitioner No.1 and the charge-sheet has already been submitted against him before the concerned court way-back in the month of October, 2022.

6. Considering the overall facts and circumstances of the present case, this Court deems it just and proper to dispose of the instant petition, granting liberty to the petitioner No.1 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. Accordingly, the present petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J