

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



S.B. Criminal Miscellaneous (Petition) No. 2602/2022

1. Dilip Singh S/o Shri Banne Singh, Aged About 33 Years, R/o Ward No. 19, Behind Civil Court, Bidasar, District Churu (Raj.)
2. Deepak Singh S/o Shri Banne Singh, R/o Ward No. 19, Behind Civil Court, Bidasar, District Churu (Raj.)
3. Bhagwati Devi W/o Shri Banne Singh, R/o Ward No. 19, Behind Civil Court, Bidasar, District Churu (Raj.)
4. Vijay Singh S/o Shri Mahendra Singh, R/o Dental Hospital, Near Ghantaghar, Churu (Raj.).
5. Saroj Kanwar @ Meenu Kanwar W/o Shri Karan Singh, R/o S-151, In Front of NBC, Shanti Nagar, Jaipur.

-----Petitioners

Versus

1. State of Rajasthan, Through P.P.
2. Victim W/o Dilip Singh D/o Shri Govind Singh Rathore, Aged About 27 Years, R/o Ward No. 19, Behind Civil Court, Bidasar District Churu at present R/o Near P.S. Adarsh Nagar, Bypass Road, Ajmer (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Aditya Sharma for Mr. Jai Prakash Gupta
For Respondent(s)	:	Mr. Narendra Singh Dhakar, PP with Mr. Gaurav Gupta, Asst. GA Mr. Himanshu Sharma for Mr. Rahul Agarwal

JUSTICE ANOOP KUMAR DHAND

Order

08/05/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan**

(Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.

2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long, on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant petition, a challenge has been led to the impugned FIR No.58/2022, registered with the Police Station Adarsh Nagar, Ajmer, for the offences punishable under Sections 376, 376(2)(n), 377, 354, 406, 420, 509, 120B IPC.

4. Learned counsel for the petitioner submits that the petitioners have not committed any offence and they have been falsely booked in the instant case by the respondent-prosecutrix by concocting a false story with an ulterior motive to harass the petitioner.

5. *Per contra* learned Public Prosecutor as well as counsel appearing on behalf of the complainant opposes the prayer made by counsel for the petitioners and submitted that after investigation, the charge-sheet has been submitted against the petitioners by the Investigating Agency by finding a *prima facie* case against the petitioners. Counsels submit that now, since the statements of certain witnesses have already been recorded and

the trial is ongoing before the Trial Court. Hence, under these circumstance, interference of this Court is not warranted.

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

7. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence and the correctness of such allegations cannot be adjudicated or adjudged by this Court, at this stage, while exercising inherent powers contained under Section 482 Cr.P.C. by conducting a fishing and roving enquiry to find the truth in the allegations levelled therein. Certainly, this task has been assigned to the Investigating Officer who has found *prima facie* case against the petitioners for the above-stated offences and accordingly, charge-sheet was submitted against them.

8. Looking to the fact that now, since the statements of certain material witnesses have been recorded, this Court is not inclined to accept the instant petition and the same stands disposed of, granting liberty to the petitioners to take all available defence before the Trial Court at the appropriate stage of trial.

9. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J