

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.1890/2023

Pawan S/o Chetram, R/o Village Banaban, Tehsil Tijara, P.s.
Bhiwadi, District Alwar

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Mamta W/o Kavindra, Aged About 37 Years, R/o 15/43,
Subhash Nagar, New Delhi-West-110027
3. Victim

-----Respondents

For Petitioner(s) : Mr. Anupam Sharma with
Mr. Harshit Parashar

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 prayer has been made to quash the impugned FIR No.13/2023, registered with Police Station Mahila Thana, District Bhiwadi for the offences punishable under Sections 376 IPC and Sections 5(J) (II) and 6 of POCSO Act.

2. Learned counsel for the petitioner submits that after registration of the impugned FIR, the victim 'M' and 'A' have furnished affidavit in favour of the petitioner, wherein it has been averred by them that they have lodged the impugned FIR in anger and anguish, and now they do not want to prosecute the petitioner. Hence, on the basis of the affidavit submitted by the victim, the proceedings of impugned FIR be quashed. He further submits that even during pendency of the instant petition, charge-sheet has been submitted against the petitioner and during the

course of trial, statements of those two victims have been recorded and the trial has reached to its fag end, so appropriate orders be passed.

3. *Per contra*, learned Public Prosecutor opposed the prayer made by learned counsel for the petitioner.

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

5. The allegations levelled in the impugned FIR reveal commission of cognizable offence. The correctness of the allegations cannot be examined by this Court. In case, any affidavit has been submitted by the prosecutrix or her mother before this Court, that cannot be appreciated by this court while exercising its inherent jurisdiction contained under Section 482 Cr.P.C.

6. This fact has come into the notice of this Court that during the course of the trial, statements of the prosecutrix PW-1 'A' and her mother PW-2 'M' have been recorded and they have not supported the version of prosecutrix, hence, they have been declared as hostile and now the trial has reached to its fag end. Hence, under these circumstances, this Court deems it just and proper to dispose of the instant criminal misc. petition by issuing directions to the learned Trial Judge to take all possible steps to conclude the trial expeditiously as early as possible.

7. Accordingly, the instant criminal misc. petition stands disposed of. Stay application as well as all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J