

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2142/2023

Liyakat Ali Son Of Aamin Khan, Resident Of Nangla Banjeer,
Police Station Bagad Tiraha, District Alwar, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Surendra Kumar Son Of Dharm Chand Jain, Aged About
58 Years, Resident Of Pahadi, District Bharatpur (Raj).

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Narendra Singh Dhakar, PP with Mr. Gaurav Gupta, Asstt.GA Mr. Arvind Kumar Arora

JUSTICE ANOOP KUMAR DHAND

Order

19/05/2026

1. By way of filing the instant criminal misc. petition, a prayer has been made to quash the impugned FIR No.304/2022 registered with Police Station Pahari, District Bharatpur for the offences punishable under Sections 420 and 406 IPC.
2. It has been averred in the petition that a false case has been registered against the petitioner with the allegation that the complainant has provided a sum of Rs.12,50,000/- in cash to the petitioner and thereafter, the petitioner has misappropriated the aforesaid amount. It is further averred that such transaction between the parties is against the mandate contained under the

provisions of the Income Tax Act. Hence, a prayer has been made to quash the proceedings of the impugned FIR.

3. *Per contra*, learned Public Prosecutor as well as counsel appearing on behalf of the complainant opposed the prayer and submitted that after investigation, the Police has found a *prima facie* case against the petitioner under Section 406 IPC. The petitioner is absconding since the date of occurrence of the alleged incident, therefore charge-sheet has already been submitted against him under Section 299 Cr.P.C. Hence, interference of this Court is not warranted.

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

5. Perusal of the allegations levelled in the impugned FIR reveals 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. This Court cannot conduct fishing and roving inquiry to find out the truth behind the allegations levelled against the petitioner. Certainly, this task has been assigned to the Investigating Officer, who has investigated the matter and has found *prima facie* case against the petitioner and submitted charge-sheet against the petitioner under Section 299 Cr.P.C.

6. Considering the above facts and circumstances of the case, this Court deems it just and proper to dispose of the instant misc. petition, granting liberty to the petitioner to take all the grounds and all available defences which have been taken before this Court, at the appropriate stage of the trial.

7. With the aforesaid observations, the instant criminal misc. petition stands disposed of. The stay application as well as all pending applications, if any, stand disposed of.

8. The interim order dated 19.05.2023 passed by this Court stands vacated.

(ANOOP KUMAR DHAND),J