

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2362/2019

Jitendra Yadav S/o Late Shri Raj Kapoor, R/o 330, Faridabad Colony, Bhagwan Ganj, Ajmer.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp.
2. Smt. Seema W/o Jitendra Yadav, R/o A-166, Tara Nagar, Khatipura Road, Jaipur West, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Ashish Saxena

For Respondent(s) : Mr. Narendra Singh Dhakar, PP

JUSTICE ANOOP KUMAR DHAND

Order

21/04/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned FIR No.87/2019, registered with Police Station Mahila Thana, District Jaipur (West) for the offences punishable under Sections 498-A, 406, 323 IPC and Sections 3, 4 and 5 of the Dowry Prohibition Act.

2. Learned counsel for the petitioner submits that the instant case pertains to a matrimonial dispute which resulted into lodging of the impugned FIR by the complainant-respondent with false and fabricated allegations. The petitioner has been falsely booked in the instant case, as there is no prima facie case against him for registration of impugned FIR for the alleged offences, hence, interference of this Court is warranted.

3. *Per contra*, learned Public Prosecutor submits that after investigation, prima facie case was found to be proved against the

petitioner and charge-sheet has already been submitted against him before the concerned Court, 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 the Bar and perused the material available on the record.

5. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence. The correctness of the allegations cannot be examined by this Court while exercising its inherent powers contained 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 already found prima facie case against the petitioner, that is why, charge-sheet has been submitted against him for the above stated offences.

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 available defences at the appropriate stage of the trial.

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

(ANOOP KUMAR DHAND),J