

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

S.B. Criminal Miscellaneous (Petition) No. 2077/2026

Aquib Ali Son Of Shamshad Ali & Ors.

----Petitioners

Versus

State Of Rajasthan & Anr.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 191/2025

Smt. Shahjahan Wife Of Late Shri Shamshad Ali

----Petitioner

Versus

State Of Rajasthan & Anr.

----Respondents

For Petitioner(s)	:	Mr. Naman Yadav with Mr. Piyush Sharma
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

08/05/2026

In S.B. Criminal Miscellaneous (Petition) No. 2077/2026 :-

The present criminal miscellaneous petition has been filed by the petitioners seeking quashing of FIR No.0792/2024 dated 04.11.2024 registered at Police Station Kho-Nagoriyan, District Jaipur City (East) for the offences punishable under Sections 316(2), 318(4), 308(2), 61(2)(a), 338, 336(3) and 340(2) of BNS, 2023.

Learned counsel for the petitioners, at the very outset, submits that another Criminal Miscellaneous (Petition) No.191/2025 was filed by Smt. Shahjahan Wife Of Late Shri Shamshad Ali, wherein, a Co-ordinate Bench of this Court vide its

order dated 15.01.2025 was pleased to grant interim relief and as the case of the petitioner herein stands on an even better footing, similar relief be granted to the petitioners as well.

The order dated 15.01.2025 passed in Criminal Miscellaneous (Petition) No.191/2025 reads as under :-

"1. Learned counsel for the petitioner submits that an agreement to sell was executed between the parties and part payment was made by the complainant to the petitioner. When rest of the amount was not paid, the petitioner served a notice upon the complainant to pay the balance amount and got the registered sale deed in her name. Learned counsel submits that in reply to the aforesaid notice, the complainant came with a case that prior to execution of the agreement with the petitioner, she already executed one agreement with Ashfaq Ali and this fact was concealed by her. Learned counsel submits that the aforesaid fact was clarified by the petitioner in rejoinder to the reply by the respondent that when Ashfaq Ali did not make the payment, the agreement was cancelled by the petitioner.

2. Learned counsel for the petitioner submits that after the aforesaid exercise, the complainant made an attempt to take forceful possession of the land in question by the petitioner for which the suit for injunction was submitted against him before the court of Additional Civil Judge No.17, Jaipur Metropolitan-I and after service of notice, the respondent did not appear and an interim order has been passed directing the parties to maintain status-quo vide order dated 19.11.2024. Learned counsel submits that all these facts have been concealed by the complainant in the FIR registered against the petitioner. Learned counsel submits that the contents of the FIR reveals that the instant matter is purely a case of civil nature, which has been given colour of criminal case to make pressure upon the petitioner.

3. *Issue notice to the respondent No.2. Rule is made returnable within a period of three weeks.*
4. *Learned Public Prosecutor is directed to call for the status report of the investigation conducted so far along-with case diary.*
5. *List this case on 06.02.2025.*
6. *Till next date, no coercive action be taken against the petitioner."*

Taking note of the abovementioned order and on a bare perusal of the FIR, case of the petitioners cannot be distinguished from that of Smt. Shahjahan and thus, taking note of the order dated 15.01.2025, which is in effect and operation as of today as well, let notice be issue to the respondents.

Learned Public Prosecutor accepts notice on behalf of respondent No.1.

Let notice be filed for respondent No.2, returnable within four weeks.

List the matter on 27.07.2026.

Till the next date, no coercive action shall be taken against the petitioners in pursuance to the impugned FIR.

In S.B. Criminal Miscellaneous (Petition) No. 191/2025 :-

List the matter on 27.07.2026.

Till the next date, interim order, if any, shall continue.

(ANUROOP SINGHI),J