

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.2955/2021

1. Mehul S/o Shri Amulakh Bhai Thakkar, R/o 15, Pushpak Hill Begloj, Near Prahlad Nagar Garden, Police Station Annand Nagar, Bejalpur, Ahmedabad City (Gujarat)
 2. Shri Amulakh Bhai Thakkar S/o Nyalchand, R/o 15 Pushpak Hill Begloj Near Prahlad Nagar Garden, Police Station Annand Nagar, Bejalpur, Ahmedabad City, (Gujrat)
- Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor
 2. Narendra Kumar S/o Premaram Tailor, R/o Bhaiswada, Ahore, Jalore, Rajasthan
- Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Vivek Choudhary, PP

JUSTICE ANOOP KUMAR DHAND

Order

12/03/2026

1. The instant criminal misc. petition has been preferred for quashing of the impugned FIR No.05/2019 registered with the Police Station Chittorgarh Government Railway Police (GRP), Ajmer for the offence under Section 380 IPC.
2. The contents of the instant criminal misc. petition indicates that the petitioner has been falsely booked in the instant case. It has been stated in the petition that the co-accused received stolen gold articles from the other co-accused, then he changed the shape of the said stolen gold articles in the form of biscuit and sold the same to the petitioner. The petitioner was not aware that the aforesaid gold articles were a stolen property and he purchased the same by making payment to the shopkeeper.

3. In support of his contention, he has placed on record the GST retail invoice, hence, a prayer has been sought to quash the proceedings of the aforesaid impugned FIR.
4. *Per contra*, learned Public Prosecutor opposed the prayer made in the instant petition.
5. It is settled proposition of law that if the contents of the F.I.R. reveals commission of a cognizable offence, then the correctness of the allegations cannot be adjudicated by this Court by invoking inherent jurisdiction under Section 482 Cr.P.C. Certainly, it is a task assigned to the Investigating Officer.
6. However, the petitioner would be at liberty to submit the documents in support of his contentions before the Investigating Officer by way of filing representation and in case, such representation is submitted by the petitioner in support of his documents, it is expected from the Investigating Officer to look into the same and submit the conclusion of the investigation/report under Section 173 Cr.P.C. before the Competent Court of law and in case the charge-sheet has already been submitted after investigation, then the petitioner would be at liberty to take all the defence/grounds **before the Trial Court**, which have been taken before this Court at appropriate stage of the trial.
7. With the aforesaid observations, the instant criminal misc. petition stands disposed of. Stay application as well as all applications (pending, if any) also stand disposed of.

(ANOOP KUMAR DHAND),J