

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.2348/2024

1. Shri Nandlal Swami S/o Shri Om Prakash Swami, Resident Of Dalatpura, Kotda, Amber, Jaipur City (North) Rajasthan, Jaipur.
2. Shri Jairam Das Swami S/o Shri Asharam Das Swami, Resident Of Ghatda, Rajgarh, District Alwar Rajasthan.
3. Shri Ramprasad Das Swami S/o Shri Ramroop Das Swami, Resident Of Dadudayal Mandir Ke Pass Jamat, Niwai Ton Rajasthan.
4. Shri Ashok Swami S/o Shri Hanuman Das Swami, Resident Of Sant Kutir, Nagar Nigam Road, Sanganer, Jaipur City (East), Rajasthan, Jaipur.

----Petitioners

Versus

1. State Of Rajasthan, Through Its P.p.
2. Shri Kamal Swami S/o Shri Ramchandra Swami, Resident Of 2465, Sachivalaya Nagar, Sitapura, Jaipur City, Rajasthan, Jaipur.

----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. N.S. Dhakar, PP

JUSTICE ANOOP KUMAR DHAND

Order

18/05/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned FIR No.52/2024, registered at Police Station Moti Doongri, District Jaipur City (East) for the offences punishable under Sections 420, 406, 467, 468, 471 and 120B IPC.

2. It has been averred in the instant petition that on account of a political rivalry, the impugned FIR based on the false and fabricated allegations has been maliciously lodged with an ulterior and dishonest motive. In fact, the ingredients of the alleged offences are not made out. Hence, a prayer has been made to quash the proceedings of the impugned FIR.

3. *Per contra*, learned Public Prosecutor opposed the prayer made in the instant petition and submitted that correctness of the allegations cannot be examined by this Court and a *prima facie* case is made out against the petitioners. Hence, interference of this Court is not warranted.

4. Heard and considered the submissions made at the 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 petitioners. Certainly, this task has been assigned to the Investigating Officer.

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 petitioners to submit appropriate representation before the Investigating Officer along with relevant documents in support of their contentions. In case such representation is submitted by the petitioners, the Investigating Officer is directed to consider the same and thereafter submit the

conclusion report of investigation under Section 173 Cr.P.C., before the concerned Court.

7. In case the Investigating Officer comes to the conclusion that cognizable offence is made out against the petitioners and their arrest is required, then a prior notice of 15 days be given to the petitioners.

8. 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