

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2695/2023

Ashok Jain Son of Shri Dev Karan Jain, Aged About 59 Years,
Resident of Plot No. 14, Vigyan Nagar, Sapna Beauty Parlor Ke
Samne, Ranthambore Road, Police Station Kotwali, Sawai
Madhopur (Raj).

----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Smt. Madhu Devi Wife of Shri Satendra Singh, Resident of
Plot No. 8-9, Vigyan Nagar, Near Eent Bhata, Ranthamore
Road, Police Station Kotwali, Sawai Madhopur (Raj).

----Respondents

For Petitioner(s)	:	Mr. Rajveer Singh Jhala for Mr. Rajendra Singh Tanwar
For Respondent(s)	:	Mr. Narendra Singh Dhakar, PP

JUSTICE ANOOP KUMAR DHAND

Order

24/04/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.

2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long, on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant petition, a challenge has been led to the impugned FIR No.33/2021, registered with Police Station Mahila Thana, Sawai Madhopur, District Sawai Madhopur, for the offences punishable under Section 323, 341, 354, 392 IPC and Section 3 of the SC/ST (Prevention of Atrocities) Act, 1989.

4. It has been averred in the instant petition that the petitioner has not committed any offence whatsoever, but he has been falsely booked in the instant case by lodging the impugned FIR with malafide intentions. Hence, under these circumstance, interference of this Court is warranted.

5. *Per contra* learned Public Prosecutor oppose the prayer and submits that after thorough investigation in the instant matter from all the four corners, a *prima facie* case was found to be made out against the petitioner by the Investigating Agency under Section 420, 406 IPC, thereafter, charge-sheet has also been submitted against him before the Concerned Court on 14.09.2022. Hence, under these circumstance, interference of this Court is not warranted.

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

7. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence and the correctness of such allegations cannot be adjudicated or adjudged by this Court at this stage while exercising its inherent powers contained under

Section 482 Cr.P.C. by conducting a fishing and roving enquiry to find the truth in the allegations levelled therein. Certainly, this task has been assigned to the Investigating Officer who has found *prima facie* case against the petitioner for the above-stated offences and accordingly, charge-sheet was submitted against him way back in the month of September 2022.

8. Considering the overall facts and circumstances of the case, this Court deems it just and proper to dispose of the instant petition, while granting liberty to the petitioner to take all the grounds which have been taken before this Court and all available defence at the appropriate stage of the Trial pending, if any, before the Trial Court.

9. With the aforesaid observation and direction, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J