

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2529/2024

Radheshyam Maharwal S/o Late Shri Ram Lal Maharwal, Aged
About 72 Years, Resident Of- 103, Ratan Mohalla, Shoyopur,
Partap Nager, Sanganer Jaipur, Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Sayri Alias Shayar D/o Shri Prem Singh Sharan, W/o Shri
Ajay Godara, Resident Of Dungarsinghpura, Police Station
Lalgarh, District Shriganganagar, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Sandeep Kumar Meena
For Respondent(s)	:	Mr. Laxman Meena, PP

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

01/05/2024

1. Instant misc. petition under Section 482 Cr.P.C. has been filed by petitioner, for quashing of FIR No.820/2022 registered at Police Station Sanganer Sadar, District Jaipur City (South) for offences under Sections 420, 467, 468, 471 and 120-B IPC.
2. Counsel for petitioner submits that Plots bearing Plots No.35 & 36 in Shiksha Sagar Yojana at Sanganer, were allotted in the name of father of complainant Shri Prem Singh Sharan, who surrendered these plots & received the allotment amount. He submits that petitioner has left the Society in the year 1997, and has not named in the FIR, however, has been sought to be implicated arbitrarily whereas, if allegations of FIR are taken on their face value, it is a dispute of civil nature and complainant

himself admits that the allotment letters of these plots have misplaced in the year 2010, for which a report was lodged before the Police Station and public notice was published in the newspaper. In such circumstances, the implication of petitioner in the present FIR, is wholly malicious and FIR qua petitioner deserves to be quashed.

3. Heard.

4. Issue notice to non-petitioner No.2-complainant.

5. Taking into consideration the allegations leveled in the FIR, nature of offence and contentions of counsel for petitioner, let investigation in the impugned FIR may be continued, however, petitioner shall not be arrested.

6. In case, arrest of the petitioner is deemed necessary, the Investigating Officer shall issue advance notice of 15 days' after explaining reasons.

7. List the matter on 24th July 2024 along with SB Criminal Miscellaneous (Petition) No.2488/2024.

(SUDESH BANSAL),J