

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2749/2023

Rahul Baldua (Balduo) S/o Shri Chandra Prakash Baldua
(Balduo), Aged About 23 Years, Resident Of 59 Gali No. 1,
Mahaveer Ganj, Beawar, District Ajmer.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Victim

-----Respondents

For Petitioner(s)	:	Mr. Kapil Gupta
For Respondent(s)	:	Mr. Gaurav Gupta, Asstt.GA with Ms. Neha Goyal

JUSTICE ANOOP KUMAR DHAND

Order

06/05/2026

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 criminal misc. petition, a prayer has been made to quash the impugned FIR No.353/2022, registered with Police Station Pushkar, District Ajmer for the offences punishable under Sections 376(1), 366, 328, 506 and 313 IPC.

4. Learned counsel for the petitioner submits that the prosecutrix is a married major lady and in-spite of the above, she remained in a consensual relationship with the petitioner for a considerable time and engaged in physical relations on several occasions. Counsel submits that money was transferred in the account of the prosecutrix by the petitioner via UPI. Counsel submits that now the impugned concocted FIR has been lodged by the prosecutrix against the petitioner based on the false allegation that he committed sexual assault upon her on the false pretext of marriage. Counsel submits that photographs appended to the instant petition (Annexure-3) reveal that the prosecutrix is already married. Hence, there is no question of any kind of false promise of marriage by the petitioner to the prosecutrix. He further submits that even after registration of FIR, she celebrated the petitioner's birthday with her friends. Hence, under these circumstances, it is clear that no forceful sexual act has been committed upon her by the petitioner. Under these circumstances, the impugned FIR is liable to be quashed.

5. *Per contra*, learned Public Prosecutor opposes the prayer and submits that after investigation, charge-sheet has already been submitted against the petitioner for the offences punishable under

Sections 366, 376(2)(n) IPC and Section 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of the SC/ST Act before the Court of Special Judge, SC/ST Cases, Ajmer on 03.10.2023, as *prima facie* case was found to be proved against him. Now the trial is in progress against the petitioner. Hence, interference of this Court is not warranted.

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

7. 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 petitioner. Certainly, this task has been assigned to the Investigating Officer, who has investigated the matter and has found *prima facie* case against the petitioner and accordingly, submitted charge-sheet against him.

8. 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 petitioner to take all available defence at the appropriate stage of the trial before the Trial Court.

9. 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