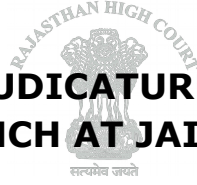


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 3009/2023

1. Shrawan Singh S/o Adisal Singh, Aged About 76 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
2. Ratan Singh S/o Shrawan Singh, Aged About 46 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
3. Rakesh Singh S/o Shrawan Singh, Aged About 43 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
4. Rajesh Singh S/o Shrawan Singh, Aged About 35 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
5. Onkar Singh S/o Adisal Singh, Aged About 62 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
6. Suman Devi W/o Onkar Singh, Aged About 60 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
7. Dharampal S/o Onkar Singh, Aged About 32 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
8. Pushpendra Singh S/o Onkar Singh, Aged About 23 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
9. Banti Singh S/o Onkar Singh, Aged About 14 Years, Minor, Through Its Natural Guardian Father Onkar Singh S/o Adisal Singh, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
10. Krishan Singh S/o Onkar Singh, Aged About 17 Years, Minor, Through Its Natural Guardian Father Onkar Singh S/o Adisal Singh, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).

11. Santosh Kanwar W/o Rakesh Singh, Aged About 33 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
12. Maina Kanwar W/o Rajesh Singh, Aged About 35 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
13. Ramotar Singh S/o Hanuman Singh, Aged About 36 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).
14. Hawasingh S/o Raghuveer Singh, Aged About 30 Years, R/o Kalyanpura, Tehsil Kotputli, District Jaipur Rural (Raj).

-----Petitioners

Versus

1. State Of Rajasthan, Through The Learned Public Prosecutor
2. Gullaram S/o Bhanwara Ram, Aged About 45 Years, R/o Shahid Vikram Singh Nager, Dhani Jalawali Tan Sundarpura Dhadha, Tehsil Kotputli, District Jaipur Rural (Raj).

-----Respondents

For Petitioner(s)	:	Mr.Lokesh Kumar Verma, Adv.
For Respondent(s)	:	Mr.Yashwant, P.P. Mr.Gaurav Gupta, Adv. - For Complainant

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

16/11/2023

The instant criminal misc. petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of FIR No.210/2023 registered at Police Station Pragpura, District Jaipur Rural for offences under Section 379 and 447 of IPC.

Learned counsel for the petitioners states that false FIR has been registered by the respondent No.2 for stealing of standing

crops and the entire family of the petitioners has been named in the FIR. Learned counsel submits that in fact on behalf of respondent No.2 revenue suit before the Sub-Divisional Officer, Paota, District Jaipur is pending, wherein order of status quo was passed. In that proceedings ex-parte order dated 06.04.2023 was passed in favour of respondent No.2, directing the police to harvest the standing crops and handover it to the respondent No.2, but against that order, the petitioners have preferred a revision petition, which is pending before the Board of Revenue, and operation of the order dated 06.04.2023 has been stayed. The present FIR has been filed, in misuse of process of law.

Learned counsel submits that the dispute in respect of possession of the agricultural land is of civil nature and under the pressure of present FIR, the complainant wants to enter into possession, therefore the proceedings of FIR are wholly malicious and do not give rise to a cognizable offence.

Heard.

Issue notice to respondent No.2. Leaned counsel Mr.Gaurav Gupta put in appearance and accept notices on behalf of respondent No.2, and he does not dispute the fact of pendency of revenue suit as also the revision petition before the Revenue Board, however, he seeks time to file reply.

Let the matter be listed on 17.01.2024.

In the meanwhile, investigation be continued but petitioners shall not be arrested, in the present FIR.

(SUDESH BANSAL),J