

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2828/2026

Shri Rameshwar Meena & Anr.

----Petitioners

Versus

State of Rajasthan & Anr.

----Respondents

For Petitioner(s)	:	Mr. Ajatshatru Mina with Ms. Apeksha Tiwari, Mr. Manav Sharma and Mr. Rhythm Shrimal
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, P.P., with Mr. Shubham Saini

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

06/05/2026

The present criminal miscellaneous petition has been filed by the petitioners seeking quashing of FIR No.131/2026 dated 27.03.2026, registered at Police Station Malviya Nagar, District Jaipur City (East), for the alleged offences punishable under Sections 318(4), 316(2) and 61(2) of B.N.S., 2023 and all incidental proceedings emanating therefrom.

Mr. Ajatshatru Mina, learned counsel for the petitioners submits that the impugned FIR has been lodged solely to create an illusory defence before the Debts Recovery Tribunal (**DRT**), Jaipur, Rajasthan, as vide order dated 18.12.2025 (Annexure-P/11), passed by the DRT Jaipur in Case No. SA 949/2025, titled as Rameshwar Meena Vs. Samman Finserve Ltd (erstwhile Indiabulls Commercial Credit Limited), complainant/respondent No.2 was directed to file reply along with all relevant documents including the mortgage documents.

Learned counsel for the petitioners further submits that in the present case a home loan was taken by the petitioners from Tata Capital Housing Finance Limited and the documents of Plot No.26, Gokul Vihar, Block – C, Budsinghpura, Sanganer, Jaipur, Rajasthan, of which the petitioners are lawful owners, were mortgaged.

Learned counsel further submits that sometime in the year 2024, the said loan was transferred to the complainant/respondent which thereafter issued a sanction letter in favour of the petitioners, in consequence to which EMIs were paid to the complainant/respondent for a period of one year.

Learned counsel also submits that all the original documents so as to secure the loan in question were duly received by respondent No.2/complainant, as only thereafter the loan amount could have been disbursed by respondent No.2/complainant.

Learned counsel further submits that as a dispute arose between the petitioners and the complainant, recovery proceedings were initiated in an illegal manner under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "**SARFAESI Act, 2002**") and an application was filed by the petitioners before the DRT, Jaipur, Rajasthan. The DRT, Jaipur, Rajasthan, after considering the stand of the petitioners required the complainant to file response along with the documents' including the documents of the mortgage property.

Learned counsel for the petitioners, thus, submits that merely with the intent to avoid submitting the aforesaid

documents, the impugned FIR has been lodged on 27.03.2026 with respect to a loan which was sanctioned on 29.03.2024.

Taking note of the aforesaid submissions, issue notice to the respondents, returnable within six weeks. Notice be sent through registered post in addition to normal process.

Learned Public Prosecutor appears on behalf of respondent No.1 – State.

Hence, notice be filed for respondent No.2.

List the matter on 28.07.2026.

In the meanwhile, while the petitioners are directed to join and cooperate in the investigation, they shall not be arrested.

(ANUROOP SINGHI),J