

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

S.B. Criminal Miscellaneous (Petition) No. 3382/2015

Ahmed Hussain Son Of Mohd. Hussain Ansari, R/o Near Microev Tower, Rangpur Road, Kota Raj.

-----Petitioner

Versus

1. State of Rajasthan Through P.P.
2. Urban Improvement Trust Through Its Vice Secretary, Urban Improvement Trust, CAD Circle, Kota.

-----Respondents

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|-------------------|---|--------------------------------|
| For Petitioner(s) | : | Mr. Shailesh Prakash Sharma    |
| For Respondent(s) | : | Mr. Jitendra Singh Rathore, PP |

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**JUSTICE ANOOP KUMAR DHAND**

**Order**

**23/04/2026**

1. By way of filing the instant petition a challenge has been led to the impugned FIR No.19/2015, registered with Police Station Bhimganj Mandi, District Kota City, for the offences punishable under Sections 467, 468 & 471 IPC.
2. It has been averred in the instant petition that no documents were fabricated by the accused, inspite of the above the petitioner has been falsely booked in the instant case. The dispute involved in instant case is purely civil in nature, to which colour of criminal case has been given. Hence, under these circumstances, interference of this Court is warranted.
3. *Per contra* learned Public Prosecutor opposed the abovementioned prayer and submitted that after thorough investigation in the instant matter from the all four corners, a *prima facie* case was found against four accused persons including

the petitioner and charge-sheet was submitted against all four accused on 20.11.2015, before the Court of the Learned Additional Civil Judge & Judicial Magistrate No.5, North Kota. Hence, under these circumstances, interference of this Court is not warranted.

4. This Court has perused the allegations levelled against the petitioner in the impugned FIR which reveals commission of cognizable offence and the correctness of such allegations cannot be adjudicated 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. Certainly, this task has been assigned to the Investigating Officer who has found *prima facie* case against the petitioner along with other accused persons and accordingly, charge-sheet was submitted against all of them way back in the year 2015.

5. In the considered opinion of this Court, the petitioner can take all available defence and grounds which is available to him, at the appropriate stage of the Trial pending, if any, before the Trial Court.

6. 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.

7. The factual report dated 02.03.2025 furnished by SHO, Police Station Bhimganj Mandir, District Kota City, is ordered to be retained on record.

**(ANOOP KUMAR DHAND),J**