

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 83/2017

Shri Bheru Ram S/o Shri Chothu Ram B/c Meena, R/o Village Mathuradaspura, Tehsil Jamvaaramgarh, Police Station Amber, District Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan Through P.P., Jhunjhunu.
2. Shri Jaikishan Meena S/o Shri Ramswarup Meena R/o Village Ukroond, Tehsil Mahua, District Dausa.

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 2689/2016

1. Mangi Lal S/o Shri Ramu (Ramu Lal), R/o Hari Kishanpura, Tehsil Jamwaragmarh, District Jaipur.
2. Shri Narayan S/o Shri Lalram (Lalaram), R/o Hari Kishanpura, Tehsil Correct District Jaipur. Jamwaragmarh, Address Dhani :-Bhataliki, Kasba Amer, District Jaipur, Rajasthan.
3. Ram Kunwar (Ram Kumar) S/o Shri Ram Sahai, R/o Hari Kishanpura, Tehsil Jamwaragmarh, District Jaipur. Correct Address Village Mathuradaspura, Tehsil Jamwaramgarh, District Jaipur, Rajasthan.

-----Accused Petitioners
(Bonafide Purchasers)

Versus

1. The State of Rajasthan through the public prosecutor.

-----Respondent

2. Jai Kishan Meena S/o Shri Ramswaroop, aged about 46 years, R/o Village Ukru, Police Station Mandawar, District-Dausa,Rajasthan.

-----Complainant/Respondent

For Petitioner(s) : Mr. Ram Rakh Sharma
For Respondent(s) : Mr. Amit Kumar Punia, P.P.

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

08/05/2026

1. Both these petitions have been filed by the petitioners under Section 482 Cr.P.C. with a prayer to quash the proceedings of FIR No. 206/2016 registered at Police Station Amer, District Jaipur (North) for offences punishable under Section 420, 406 of I.P.C. 1860.
2. No one is present on behalf of the petitioner in Criminal Miscellaneous Petition No. 83/2017.
3. Mr. Ram Rakh Sharma, Advocate is appearing on behalf of the accused-petitioner in Criminal Miscellaneous Petition No. 2689/2016.
4. Mr. Ram Rakh Sharma, learned counsel appearing for the accused-petitioner Mangi Lal & Ors. submits that the petitioners are the bonafide purchasers of the land and a civil dispute has been given the colour of a criminal case. He also submits that there is no act of the petitioners which can be said to be a criminal act and the petitioners have been implicated as an accused only to create pressure upon them to return the said land.
5. Learned counsel has also placed reliance on the judgments of the Hon'ble Apex Court passed in case of ***Mohammed Ibrahim And Ors. Vs. State of Bihar And Anr.*** reported in (2009) 8 SCC 751 and ***Murari Lal Gupta Vs. Gopi***

Singh reported in (2005) 13 SCC 699 to substantiate the arguments that where a civil dispute has been given a colour of criminal case, such proceedings deserve to be quashed.

6. Learned counsel has also placed reliance upon the judgment of the Hon'ble Apex Court in case of **Abhishek Mishra Vs. State of Uttar Pradesh & Ors. reported in 2025 Cr.L.R. (SC) 397**, and submits that on filing of the charge-sheet, the Court cannot refuse to exercise jurisdiction given under Section 482 Cr.P.C. and the Court has to consider whether *prima facie* case is made out or not.

7. Learned Public Prosecutor, on the other hand, submits that accused-petitioner Bheru Ram has sold the land to the accused-petitioners namely; Mangi Lal, Shri Narayan, and Ram Kunwar (Ram Kumar), who said to have purchased the land were well known of the fact that the land-in-question had already been sold to the complainant, which is evident from the evidence collected during the investigation.

8. Learned Public Prosecutor further submits that the Police after completion of the investigation has already submitted charge-sheet in the matter. He further submits that on the basis of the material collected during the investigation, the charges have already been framed against the accused-petitioners on 09.08.2017 and they have denied the charges framed against them and opted for trial. Therefore, the prayer for quashing the FIR is not tenable.

9. Considered the submissions made by the counsel for the petitioners as well learned Public Prosecutor and also perused the material made available on record.

10. The Court has to see in the peculiar facts and circumstances of the case, whether, after framing of charges against the accused-petitioners for the alleged offences by the trial court, the FIR can be quashed or not. Learned counsel for the petitioners has placed reliance upon the judgment passed by the Hon'ble Apex Court in the case of **Abhishek Mishra (Supra)**, wherein the Court observed that even after filing of the charge-sheet, the FIR can be quashed.

11. In the present case, after filing of the charge-sheet, the trial Court has framed the charges against the accused-petitioners after considering the evidence collected during the investigation. The accused-petitioners have denied the charges and opted for trial. Once the accused-petitioners have opted for trial before the trial court in view of the evidence collected during the investigation and their stand in defence, this Court is of the opinion that, in the peculiar facts and circumstances where the accused-petitioners themselves have opted for trial, the prayer for quashing of the FIR is not tenable.

12. As regards the judgments relied upon by counsel for the petitioners in case of **Mohammed Ibrahim (Supra)** and **Murari Lal Gupta (Supra)** are concerned, it pertains to that in case no *prima-facie* case is made out against the accused-petitioners then the FIR can be quashed.

13. In the present case, the learned trial Court after taking into consideration the evidence collected during the investigation, has framed charges against the accused-petitioners and the accused-petitioners denied the charges and opted for trial. Learned counsel for the petitioners states that no challenge has

been made to the order of framing of charge. Once the trial court has come to the conclusion that there is sufficient material collected during the investigation so as to proceed against the accused-petitioners, this Court in exercise of inherent jurisdiction cannot set aside the *prima-facie* findings given by the trial court while framing the charge.

14. Taking into consideration the overall facts and circumstances of the case, as discussed above, the Court finds no ground to exercise inherent jurisdiction under Section 482 Cr.P.C.

15. Accordingly, both these petitions stand dismissed.

(GANESH RAM MEENA),J