

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 765/2015

1. Puran S/o Shri Chhitar Mal
2. Govind S/o Shri Chhitar Mal
3. Raju S/o Shri Chhitar Mal

All R/o Viallage Hanutiya, Tehsil Shahpura, Police Station
Shahpura, District Jaipur

----Petitioner

Versus

1. The State of Rajasthan through Public Prosecutor.
2. Kanta Kailor w/o Shri Mangi Lal Tailor, R/o village Hanutiya,
Tehsil Shahpura, District Jaipur

----Respondent

For Petitioner(s)	:	Mr. Shubham Saini for Mr. Rajendra Singh Tanwar
For Respondent(s)	:	Mr. Vivek Choudhary-PP Mr. Dhanna Lal Meena

JUSTICE ANOOP KUMAR DHAND

Order

23/03/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 01.09.2009 passed by the Court of Additional Chief Judicial Magistrate, Shahpura, District Jaipur in FIR No. 194/2007 and FR No. 53/2007 registered with Police Station Shahpura District Jaipur by which cognizance has been taken against the petitioners for the offences under Sections 354, 323 and 504 IPC.
2. Aggrieved by the aforesaid order, the petitioners approached the Revisional Court i.e. the Additional District and Sessions Judge, Shahpura, District Jaipur by way of filing a revision

petition, however, the same was rejected vide impugned order dated 28.11.2014.

3. Aggrieved by the aforesaid orders, the petitioners have approached this Court by way of filing the present petition.

4. Counsel for the petitioners have pleaded no instructions.

5. Looking to the fact that the matter pertains to the year 2009, this Court deems it just and proper to peruse the impugned order and the material available on record.

6. Perusal of the impugned order and the material available on record indicate that the complainant-respondent lodged an FIR against the petitioners which has resulted in Final Report (Negative) against which protest petition was submitted by the complainant-respondent and on the basis of the evidence led by the complainant-respondent, cognizance has been taken against the petitioners for the above stated offences.

7. The contents of the petition indicates that infact no such incident has occurred. The petitioners have falsely been implicated in this case that is why Final Report (Negative) has been submitted in favour of the petitioners and found the case under Section 504 IPC alone. Since the said offence was not cognizable, hence, Final Report (Negative) was submitted. On the basis of the evidence led by the complainant-respondent and the allegations levelled therein, a prima facie case was found to be proved against the petitioners for proceedings against them for the offences under Sections 354, 323 and 504 IPC.

8. In the considered opinion of this Court, at the time of taking cognizance only prima facie case is required to be seen. The correctness of the allegations and any meticulous examination of

evidence and the defence of the accused is not required to be seen at the initial stage of taking cognizance.

9. This Court finds no error in the impugned orders passed by both the Courts below and the present petition is liable to be and is hereby rejected.

10. Accordingly, the present petition stands dismissed. Stay application and all pending application(s), if any, also stand dismissed.

11. In case the trial is still pending, it is expected from the trial Court to make all possible endeavours to decide the case expeditiously, as early as possible, as the matter pertains to the year 2009.

(ANOOP KUMAR DHAND),J