

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR**

**S.B. Criminal Misc. Petition No. 6393/2016
Rajesh Kumar Vs. State of Rajasthan & Anr.**

DATE OF ORDER ::: **7th March, 2017**

HON'BLE MR. JUSTICE BANWARI LAL SHARMA

Mr. Harendra Singh Sinsinwar for the Petitioner.
Mr. Aladdin Khan, PP.

Learned counsel for petitioner Shri Harendra Singh Sinsinwar submits that police has submitted negative final report in this matter considering the facts of cross case wherein charge-sheet was filed against the complainant party. Without considering the grounds of negative final report, learned Magistrate took cognizance against the present petitioner for offence punishable under Sections 452 and 354/34 IPC which was wrongly affirmed by the learned Revisional Court i.e. Sessions Judge, Sikar vide impugned order dated 20.09.2016, therefore, same may be quashed and set aside.

Heard.

Issue notice.

Learned PP. Shri Aladdin Khan accepts notice on behalf of respondent No. 1 State.

Respondent No. 2 be served through Superintendent of Police, Sikar.

Rule is made returnable within eight weeks.

Meanwhile, operation of impugned orders shall remain stayed.

[BANWARI LAL SHARMA], J.

Komal/44.