

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 10437/2022

1. Samay Singh Son Of Murari, Resident Of Kaririya, Police Station Sadar, District Alwar (Raj).
2. Vishanu Son Of Charni, Resident Of Kaririya, Police Station Sadar, District Alwar (Raj).
3. Samundra Son Of Devnarayan, Resident Of Kaririya, Police Station Sadar, District Alwar (Raj).
4. Bhagchand Son Of Ramjilal, Resident Of Kaririya, Police Station Sadar, District Alwar (Raj).
5. Ajay Son Of Ramchandra, Resident Of Alwar, P.S. Sadar Alwar, District Alwar (Raj).
6. Vishram Son Of Harli, Resident Of Laxmangarh, District Alwar (Raj).
7. Baniya Son Of Harli, Resident Of Alwar, Police Station Sadar Alwar, District Alwar (Raj).
8. Umrised Son Of Devnarayan, Resident Of Alwar, Police Station Sadar Alwar, District Alwar (Raj).

----Petitioners

Versus

1. State of Rajasthan, Through The Public Prosecutor.
2. Victim D/o Sh. Balveer, Aged about 18 years, R/o Mojdia, Tehsil & District Alwar, Rajasthan, presently R/o Village Kaririya, Tehsil Ramgarh, District Alwar, Rajasthan.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 6586/2022

Subbi S/o Sh. Bhagchand, Aged About 21 Years, R/o Village Kaririya, Tehsil Ramgarh, District Alwar.

----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Victim D/o Sh. Balveer, Aged about 18 years, R/o Mojdia, Tehsil & District Alwar, at present R/o Village Kaririya, Tehsil Ramgarh, District Alwar.

----Respondents

For Petitioner(s) : Mr. Harmeet Singh for
Mr. Gurvindra Singh
For Respondent(s) : Mr. Jitendra Singh Rathore, PP with
Ms. Neha Goyal

JUSTICE ANOOP KUMAR DHAND

Order

21/04/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.
2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long, on priority and decide the same expeditiously without deferring the hearings to subsequent dates.
3. By way of filing these instant petitions, a common prayer has been made for quashing the impugned FIR No.552/2022 registered with Police Station Sadar, District Alwar for the offences punishable under Sections 365, 354, 376D & 506 IPC.
4. It has been averred in these petitions that no such incident has occurred, the petitioners have been falsely booked in the instant case. An affidavit of the prosecutrix 'P' has been annexed

with the S.B. Criminal Miscellaneous Petition No.10437/2022, wherein, it has been mentioned that she wants to perform marriage with the accused-petitioner-Subbi and wants to reside with him. Hence, a prayer has been made for quashing the impugned FIR against the petitioners.

5. *Per contra* learned Public Prosecutor on the basis of the factual report furnished by the SHO, Police Station Sadar, District Alwar dated 20.04.2026 submits that the impugned FIR was registered against nine accused persons, out of which, after investigation, the Police has found *prima facie* case only against the accused-petitioner-Subbi under Sections 366, 376(2)(n) IPC and no case was found against the petitioners and accordingly, charge-sheet was submitted against the accused on 27.08.2024 before the Concerned Court and no charge-sheet has been submitted against the rest of the petitioners. He further submits that under these circumstances interference of this Court is not warranted.

6. Heard and considered the submissions made at the Bar and perused the material available on record.

7. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence and the correctness of the allegations cannot be examined by this Court by conducting a fishing and roving inquiry to find the truth against the accused persons. Certainly, this task has been assigned to the Investigating Officer who has already investigated the matter from all four corners and found the involvement of the petitioner-Subbi in the above incident and no case was found against the rest of the accused persons and charge-sheet has been submitted against

the accused-petitioner-Subbi only, before the Concerned Court on 27.08.2024. Hence, under these circumstances the S.B. Criminal Miscellaneous Petition No.10437/2022 filed by the petitioners Samay Singh, Vishnu, Samundra, Bhagchand, Ajay, Vishram, Baniya and Umrsed has become infructuous and the S.B. Criminal Miscellaneous Petition No. 6586/2022 filed by the petitioner-Subbi stands disposed of, granting him liberty to take all available defence at the appropriate stage of the trial.

8. Stay application and all pending application(s), if any, also stand disposed of.

9. The factual report dated 20.04.2026 furnished by the SHO, Police Station Sadar, District Alwar is ordered to be retained on record.

(ANOOP KUMAR DHAND),J