

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 233/2025

Mohammad Saleem S/o Shri Mohammad Siddik, R/o 3252,
Kanch Ki Sabeel, Mahwatan Mohalla, Ghatgate, Jaipur,
Rajasthan- 302023.

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Puran Chand S/o Mohanlal Saini, aged about 63 Years,
Resident of Kartarpura, Mahaveer Colony, Plot No. 66,
Police Station Mahesh Nagar, at present Dhamni Pro. Pvt.
Ltd. Registered Office Market Chaura Rasta, Jaipur.

----Respondents

Connected With

S.B. Criminal Writ Petition No. 105/2025

Sanjeev Sharma S/o Shri Shankar Lal Sharma, aged about 54
Years, R/o 52, Golimar Garden, Behind Sahakar Bhawan, 22
Godown, Jaipur.

----Petitioner

Versus

1. State of Rajasthan, through PP
2. SHO, Police Station Kanota, Jaipur (East).
3. Puran Chand Saini S/o Mohan Lal, R/o Katarpura,
Mahaveer Colony, Mahesh Nagar, Jaipur (South)

----Respondents

S.B. Criminal Miscellaneous (Petition) No. 4751/2025

Bhawani Singh Rajawat S/o Late Shri Sumer Singh Rajawat,
Aged About 55 Years, R/o Gram Chavandera, Tehsil Dausa,
District Dausa. Presently At Flat No. 203, Sapphire Moon
Apartment, Durga Marg, Bani Park, Jaipur.

----Petitioner

Versus

1. State of Rajasthan, through Director General of Police,
Police Head Quarter Lalkothi, Jaipur (Rajasthan).
2. Commissioner of Police, Jaipur City (East) District Jaipur
(Rajasthan).

3. Station House Officer, Kanota, Jaipur District Jaipur (Rajasthan).

----Respondents

For Petitioner(s)	:	Mr.Devendra Kumar Bhardwaj with Ms.Anushree Sharma Mr.S.L. Sharma Mr.Rishi Kumar sharma
For Respondent(s)	:	Mr.Amit Punia, PP Mr.Ram Niwas, (Sub Inspector, Kanota, Jaipur (East))

JUSTICE ANOOP KUMAR DHAND

Order

08/12/2025

1. By way of filing the instant criminal misc. petitions, a challenge has been led to the impugned F.I.R. No.136/2024 registered at Police Station Kanota, District Jaipur City (East) for the offences under Sections 143, 447, 420, 467, 468, 471, 506 & 382 IPC.

2. Learned counsel appearing on behalf of the accused-petitioner Sanjeev Sharma submits that the petitioner has neither lended any money to the owner of the subject property, i.e, Laxminarayan Dhamani nor any document has been executed in his favour nor he has executed any document in favour of the accused Mohammad Saleem. Counsel submits that by making forged signatures of the accused-Sanjeev, the property has alleged to have been transferred from Dhamani to Sanjeev Sharma and Sanjeev Sharma to Mohammad Saleem. Counsel submits that till date, the Investigating Officer has not procured the admitted signatures of the petitioner-Sanjeev Sharma for their analysis and comparison with the disputed signatures by the

Forensic Science Laboratory (for short, "the FSL"). Counsel submits that the petitioner is ready and willing to cooperate with the investigation.

3. While counsel appearing on behalf of the accused-Mohammad Saleem submits that the subject land has been sold by the accused-Sanjeev Sharma to him and he is a bona fide purchaser and has not committed any offence whatsoever.

4. While counsel appearing on behalf of the accused-Bhawani Singh Rajawat submits that he is not a beneficiary and he has no concern whatsoever with the aforesaid incident rather he was not present on the spot on the fateful day, when the alleged incident has occurred. Hence, a conjoint request has been made by all three counsels to quash the proceedings arising out of the impugned F.I.R.

5. Per contra, Public Prosecutor opposed the prayer and submitted that the subject land belonged to Dhamani Properties and the proprietor of the said firm was Laxminarayan Dhamani and as per the documents available on the record, Sanjeev Sharma has lent a sum of Rs.70,00,000/- to Mr.Dhamani on 20.10.2016 and thereafter, on the letter head of Dhamani Properties, the sale deed was executed on 02.05.2020 with regard to the land bearing Khasra No.10/7 situated at Ballupura. Counsel submits that later on, the subject land was further sold by an agreement to one Mohammad Saleem on 29.12.2023. Counsel submits that in the meantime, the owner of the subject land, I.e, Laxminarayan Dhamani had passed away on 01.12.2023 and on 04.02.2024, an employee of Dhamani Properties has lodged the impugned F.I.R. with the allegation that in fact, no such

documents were executed by the owner Laxminarayan Dhamani and attempts have been made to encroach upon the said land on the basis of the fabricated documents created by the accused-persons. Counsel submits that the allegations levelled in the impugned F.I.R. reveal commission of a cognizable offence and the matter is required to be investigated by the Investigating Agency, hence, interference of this Court is not warranted and all these instant petitions are liable to be rejected.

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

7. Several arguments have been raised by the counsel for the accused-persons with regard to the innocence and involvement of the accused-persons by the Public Prosecutor, at this stage, this Court cannot adjudge the correctness and genuineness of the allegations levelled against the accused-persons while exercising its inherent jurisdiction contained under Section 528 of B.N.S.S. Certainly, this task has been assigned to the Investigating Officer.

8. This Court deems it just and proper to dispose of all these instant petitions with the following directions to the Investigating Officers:

- a) The Investigating Officer shall collect the admitted signatures of the accused Sanjeev Sharma and get his specimen signatures and send the same to the FSL for its analysis and comparison with the disputed/questioned signatures of Sanjeev Sharma.
- b) The other accused persons are directed to provide all relevant documents as desired by the Investigating Officer for the purpose of investigation within a period of 7 days from the date of receipt of notice, if any, from the Investigating Officer.

If the accused-persons fail to provide the relevant desired documents to the Investigating Officer within the time fixed by the Investigating Officer, the Investigating Officer would be at liberty to proceed against them in accordance with law.

9. In case, involvement of any of the accused-persons is found to be proved during the course of investigation and if the interrogation of the petitioners is required to be proceeded further, the Investigating Officer would issue notice under Section 35 of the B.N.S.S. to all the accused-persons.

10. With the aforesaid observations, the instant criminal misc. petitions stand disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J