

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 5251/2023

Sanjay S/o Palaram Kumhar, Aged About 36 Years, R/o Kumharo
Ka Bass, Bhapar, Tehsil Surajgarh, District Jhunjhunu (Raj).

-----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Ramanand S/o Raghuveer Singh, R/o Ward No. 1,
Surajgarh, District Jhunjhunu Rajasthan.

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

02/05/2026

1. By way of filing the instant petition, a challenge has been led to the impugned FIR No.153/2023, registered with Police Station Surajgarh, District Jhunjhunu, for the offences punishable under Sections 420 & 406 IPC.
2. It has been averred in the instant petition that by concocting a false and fabricated story, the instant FIR has been registered and the same amounts to abuse of the process of law. It has also been averred in the instant petition that the complainant sold the subject plot to one Sita Devi by an agreement and thereafter, Sita Devi sold the same to the petitioner through an agreement and possession of the same was handed over to the petitioner. It has also averred in these circumstances, that no offence has been

committed by the petitioner and a prayer has been made to quash the proceedings arising out of the impugned FIR.

3. *Per contra* learned Public Prosecutor on the basis of the factual report dated 28.08.2023 received from the SHO, Police Station Surajgarh, District Jhunjhunu submitted that the disputed documents are required to be investigated during the course of investigation, hence, under these circumstances, interference of this Court is not warranted.

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

5. The allegations levelled in the impugned FIR reveals commission of cognizable offence and the correctness of such allegations cannot be adjudicated or adjudged by this Court at this stage, while exercising its inherent powers contained under Section 482 Cr.P.C., by conducting a fishing and roving enquiry to find the truth in the allegations levelled therein. Certainly, this task has been assigned to the Investigating Officer.

6. Under such circumstances, this Court is of the considered opinion that the petitioner may submit a representation before the Investigating Officer along with the documents, in support of his contentions, and in case, such representation is submitted by the petitioner, then it is expected from the Investigating Officer to consider the same strictly in accordance with law and submit the conclusion report of investigation conducted before the Concerned Court under Section 173 Cr.P.C.

7. The factual report furnished by the SHO Police Station Surajgarh, District Jhunjhunu is ordered to be retained on record.

8. With the aforesaid observation and direction, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

Shivam/30