

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1930/2024
CNR: RJHC020268752024 | URN: CRLMP / 4030U / 2024

1. Omprakash Singh S/o Shri Banwari Lal, Aged About 28 Years, R/o Village- Kudali, Tehsil And Dist. Sikar, Raj.
2. Sanjay Gurjar S/o Shri Ram Niwas Gujjar, Ro Dhani Bada Bandh, Tan- Papurna, Tehsil-Khetri, Jhunjhunu, Raj.
3. Sanjay @ Bachiya S/o Shri Gajendra, R/o Bandha Ki Dhani, Tan- Papuran, Tehsil- Khetri, Jhunjhunu, Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Shriram S/o Shri Bhagwati, Aged About 55 Years, R/o Lalgarh, Tan- Papurna, Tehsil- Khetri, Dist. Jhunjhunu, Raj.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 7926/2022
CNR: RJHC020705562022 | URN: CRLMP / 13589U / 2022

1. Omprakash Singh S/o Shri Banwari Lal, Aged About 28 Years, R/o Village- Kudali, Tehsil And Dist. Sikar, Raj.
2. Sanjay Gurjar S/o Shri Ram Niwas Gujjar, R/o Dhani Bada Bandh, Tan- Papurna, Tehsil- Khetri, Jhunjhunu, Raj.
3. Sanjay @ Bachiya S/o Shri Gajendra, R/o Bandha Ki Dhani, Tan- Papuran, Tehsil- Khetri, Jhunjhunu, Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Jitendra Kumar Meena S/o Shri Sriram Meena, Aged About 24 Years, R/o Lalgarh, Tan- Papurna, Tehsil- Khetri, Dist. Jhunjhunu (Raj).

----Respondents

S.B. Criminal Miscellaneous (Petition) No. 8858/2022
CNR: RJHC020794022022 | URN: CRLMP / 15339U / 2022

1. Sunil Kumar S/o Shri Ramniwas Gurjar, R/o Bandha Ki Dhani, Tan - Papurna, Tehsil - Khetri, Jhunjhunu, Raj.

2. Ashok Kumar S/o Mohanlal, R/o 45, Karshanam Pancham Vihar, Vaishali Nagar, Jaipur.
3. Rajesh Kumar S/o Shree Chand, R/o Ward No. 4. Village - Kudali, Teh. And Dist. - Sikar, Raj.
4. Gajendra Singh S/o Shri Surajmal, R/o Bandha Ki Dhani, Tan - Papurna, Tehsil - Khetri, Jhunjhunu, Raj.

-----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Jitendra Kumar Meena S/o Shri Sriram Meena, Aged About 24 Years, R/o Lalgarh, Tan- Papurna, Tehsil - Khetri, Dist. Jhunjhunu, Raj.

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 1929/2024
CNR: RJHC020269742024 | URN: CRLMP / 4029U / 2024

Shriram Meena Son Of Shri Bhagwati Prasad Meena, Resident F Dhani Lalgarh, Tan Papurna, Tehsil Khetri, Distt. Jhunjhunu, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p
2. Superintendent Of Police, Jhunjhunu, Distt. Jhunjhunu.
3. Station House Officer, Khetri, Distt. Jhunjhunu.

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 4161/2024
CNR: RJHC020562082024 | URN: CRLMP / 8444U / 2024

Sunil Gurjar S/o Late Ramniwas, Aged About 32 Years, R/o Badabandh, Teh-Papurna, Police Station-Khetri, Dist. Neem Ka Thana.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Shriram Meena S/o Shri Bhagwati Prasad Meena, Aged About 53 Years, R/o Lalgarh, Tan-Papurna, Tehsil- Khetri, Dist. Jhunjhunu. Raj.

-----Respondents

For Petitioner(s) : Mr. Sunil Kumar Jain with
Ms. Shobha Sharma

For Respondent(s) : Mr. Pradeep Singh with
Mr. Jitesh Kumawat
Ms. Prachi Singh
Mr. Lokesh Kumar Yadav
Mr. Yunus Khan
Mr. Phool Chand, RPS, Addl. SP, QIPT,
present in person.

JUSTICE ANOOP KUMAR DHAND

Order

28/07/2026

**In S.B. Criminal Miscellaneous (Petition) Nos.1930/2024,
7926/2022, 8858/2022 & 4161/2024:-**

1. By way of filing these petitions, a prayer has been made for quashing the proceedings of impugned FIR No.208/2021 registered at the Police Station Khetri, District Jhunjhunu for the offences punishable under Sections 420 and 406 IPC and the impugned FIR No.388/2022 registered at the Police Station Khetri, District Jhunjhunu for the offences punishable under Sections 420, 406, 465, 467, 468, 471 and 120B IPC.
2. Learned counsel for the petitioners submits that with regard to the same allegations, which have been levelled in the above mentioned impugned FIRs, two similar FIR Nos.238/2019 and 660/2019 were registered at the same Police Station against the petitioners by the same complainant on an earlier occasion, which resulted in Final Report (Negative). Learned counsel submits that the Investigating Officer of the earlier FIR Nos.238/2019 and 660/2019 was of the view that the instant case is a dispute of civil nature. Learned counsel submits that on the basis of the same

allegations, now the impugned successive FIRs have been registered and the same are not tenable in the eyes of law, hence, the same are liable to be quashed and set-aside. Learned counsel further submits that even with regard to the FIR No.208/2021, when reply was submitted before this Court, the Investigating Officer was of the view that no case is made out against the petitioners. Hence, under these circumstances, interference of this Court is warranted and both the aforesaid impugned FIRs are liable to be quashed.

3. *Per contra*, learned Public Prosecutor as well as learned counsel appearing on behalf of the complainant opposed the prayer made by learned counsel for the petitioners and submitted that the dispute pertains to mining lease agreement between the parties. He submits that initially the complainant and the accused persons were partners in the mining lease, but subsequently by falsely fabricating the signatures of the complainant, a fake reply was submitted before the Mining Department and on the basis of the same, new mining lease was issued in favour of the accused persons. Learned counsel submits that allegations levelled in the earlier FIR Nos. 238/2019 and 660/2019 are altogether different from the allegations levelled in the impugned FIRs. He further submits that complainant is also different in both the FIRs. Hence, under these circumstances, interference of this Court is not warranted.

4. In pursuance of the directions issued by this Court, the Investigating Officer, i.e., Additional Superintendent of Police, Special Investigation Unit, Women Atrocities Cases has put

appearance in person along-with the case diary and the factual report of investigation conducted so far.

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

6. The case set out in both the impugned FIRs reveals commission of cognizable offence. The correctness of the allegations cannot be examined, adjudged or adjudicated by this Court while exercising its inherent powers contained under Section 482 Cr.P.C. Certainly, this task has been assigned to the Investigating Officer.

7. At this stage, this Court is not supposed to conduct a mini trial or conduct a fishing & roving enquiry to find out the truth behind the allegations levelled against the accused or treat whatever the accused is saying as gospel truth. The matter is required to be investigated by the Investigating Officer.

8. In the considered opinion of this Court, the petitioners are at liberty to submit their appropriate representation before the Investigating Officer, who shall consider the same in accordance with law and thereafter, he would be at liberty to submit the conclusion report of investigation under Section 173 Cr.P.C. before the concerned Court, strictly in accordance with law.

9. With the aforesaid observations, these criminal misc. petitions stand disposed of. Stay applications as well as all pending applications, if any, also stand disposed of.

10. In case the Investigating Officer comes to the conclusion that a cognizable offence is made out against the petitioners and their arrest is required, then a prior notice of 15 days be given to the petitioners.

11. Before parting with this order, it is made clear that this Court has not expressed its opinion on the merits of the case and no observations have been made against the accused. The Investigating Officer would be at liberty to proceed with the investigation on the basis of the evidence available on record.

In S.B. Criminal Miscellaneous (Petition) No.1929/2024:-

1. A prayer has been made by the complainant for issuing directions to the Investigating Officer for conducting fair and impartial investigation in FIR No.208/2021, registered at the Police Station Khetri, District Jhunjhunu for the offences punishable under Sections 420 and 406 IPC.
2. Perusal of the factual report of investigation as well as the case diary reveal that the Investigating Officer has already conducted fair and impartial investigation, hence, under these circumstances, there is no need to issue further directions.
3. With the aforesaid observations, this criminal misc. petition stands disposed of. Stay application as well as all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J