

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6975/2021

Rameshwar Meena S/o Late Shri Mangilal, Aged About 42 Years,
Resident Of Plot No. 26, Gokul Vihar C, Budhsinghpura, Pratap
Nagar, District Jaipur.

-----Petitioner

Versus

1. State of Rajasthan, Through Public Prosecutor.
2. Victim

-----Respondents

For Petitioner(s)	:	Mr.Kapil Gupta with Ms.Anisha Yadav
For Respondent(s)	:	Mr.Rajesh Choudhary, GA-cum-AAG with Mr.Gaurav Gupta, Asst.G.A. Mr.Manohar Singh Kumawat

JUSTICE ANOOP KUMAR DHAND

Order

07/05/2026

1. The instant petition has been preferred by the petitioner with a prayer to quash and set-aside the F.I.R. No.574/2021 and the entire proceedings arising out of the impugned F.I.R. No.574/2021, registered with the Police Station Muhana, District Jaipur City (South), for offences punishable under Sections 420, 406 & 376 of IPC & Sections 66E & 67 of Information Technology Act, 2000.

2. Learned counsel for the petitioner submits that the prosecutrix is a major lady and there is a commercial dispute between her and the petitioner with regard to certain sum of money. Counsel submits that the dispute between the petitioner

and the prosecutrix went to such extent that cross complaints under Sections 107 and 116 Cr.P.C. were submitted by both of them. Counsel submits that in the complaint submitted by the petitioner, allegations were levelled by him against the prosecutrix that she along-with her brother threatened and abused the petitioner at his place and started demanding money from him. Counsel submits that in order to maintain peace and tranquility, the aforesaid complaint under Sections 107 & 116 Cr.P.C. was filed by the petitioner on 04.05.2021. Counsel further submits that the prosecutrix also filed a complaint against the petitioner under Sections 107 & 116 Cr.P.C. wherein she alleged that she lent certain amount to the petitioner and when she visited the place of the petitioner to get her money back, the petitioner refused to return the same and started assaulting and abusing her. Counsel submits that in the aforesaid complaint submitted by the prosecutrix against the petitioner with the Police Station Pratap Nagar, Jaipur, no allegation of the offence of rape or sexual assault has been levelled by the prosecutrix against the petitioner. Counsel submits that both the parties are bound by the order passed by the concerned Magistrate on 14.05.2021, whereby they were directed to maintain peace and tranquility for a period of six months. Counsel submits that after around two months of passing of the aforesaid order, a complaint was submitted by the prosecutrix against the petitioner before the Court of Additional Metropolitan Magistrate No.18, Jaipur Metro-I, Sanganer, Jaipur, wherein it was alleged that the prosecutrix was an acquaintance of the petitioner since 2016. It was further alleged that she was

raped by him and her video and photographs were also captured by him, and on the basis of which he started blackmailing the prosecutrix. It was also alleged that the petitioner asked her to pay a sum of Rs.3,00,000/-, failing which the petitioner would inform her husband about the incident and show him the videos. Hence, by using the force of blackmail and extortion, the alleged incident has occurred. Counsel submits that since these facts were not mentioned in the earlier complaint filed by the prosecutrix, therefore, at a later stage, a false story was concocted by the prosecutrix. Counsel submits that under these circumstances, the impugned F.I.R. has been lodged by the prosecutrix against the petitioner with the ulterior motive of harassing him and the same is not sustainable in the eyes of law and the same is liable to be quashed and set-aside in light of the order dated 23.04.2026 passed by this Court in the case of **Kamlesh Kumar Suman Vs. State of Rajasthan & Anr.** while deciding S.B. Criminal Miscellaneous (Petition) No.4822/2021.

3. *Per contra*, learned Public Prosecutor as well as counsel appearing on behalf of the complainant opposed the arguments raised by counsel for the petitioner and submitted that the allegations levelled against the petitioner in the impugned F.I.R. reveal commission of cognizable offence. They jointly submit that the allegations of rape are missing in the earlier complaint, filed by the prosecutrix against the petitioner under Sections 107 & 116 Cr.P.C. and the same is an irrelevant fact as the prosecutrix is a married lady and in order to save her matrimonial life, she did not

disclose these facts in the aforesaid earlier complaint. Counsel submits that after filing of the earlier complaint under Sections 107 & 116 Cr.P.C., the petitioner extorted and blackmailed the prosecution to ruin her marital life by demanding huge sum of money from her, hence, under these circumstances, the impugned F.I.R. has been lodged against the petitioner.

4. Learned counsel appearing on behalf of the complainant submits that when the instant petition was submitted by the petitioner for quashing of the impugned F.I.R., charge-sheet was already submitted against him, but this fact was suppressed and an interim order dated 17.01.2022 was passed by this Court whereby further proceedings in the impugned FIR were stayed. Counsel submits that on account of passing of the aforesaid interim order, the proceedings of the Trial Court stood hampered.

5. Counsel further submits that as per the statements of the prosecutrix recorded under Section 164 Cr.P.C., allegations have been levelled against the petitioner, that he committed the offence of rape upon her. Counsel further submits that the allegations of rape were further corroborated by the Manager of Hotel, i.e., Shankar Lal Sharma in his statement recorded under Section 161 Cr.P.C. Hence, under these circumstances, interference of this Court is not warranted and the instant petition is liable to be rejected.

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

7. The allegations levelled by the prosecutrix against the petitioner in the complaint submitted by her before the Court of Additional Chief Metropolitan Magistrate No.18, Jaipur Metro-I indicate that she had commercial relations with the petitioner since 2016. In part and parcel of those commercial relations, the petitioner called the prosecutrix to his flat along-with the diary containing the details of the transactions which took place between them, where he committed rape upon her. It has also been alleged in the said complaint that a video of the aforesaid incident was recorded by the petitioner and he started blackmailing the prosecutrix using the said video. Thereafter, marriage of the prosecutrix was solemnized and even after her marriage, the petitioner kept blackmailing her and demanded a sum of Rs.3,00,000/- from her with the threat that he would show the aforesaid video to her husband. Under such circumstances and fear of the aforesaid video getting out, the prosecutrix gave the said amount to the petitioner on 15.04.2019. It has been further alleged that even after receiving the aforesaid amount, the petitioner committed rape upon her and when she asked the petitioner to return the aforesaid amount, the petitioner refused to return the same and threatened to defame her with the aid of the aforesaid video.

8. It is worthy to note here that prior to filing of the aforesaid complaint, the petitioner as well as the prosecutrix approached the S.H.O. Police Station Pratap Nagar, Jaipur (East) with regard to their commercial dispute on account of which their peace and

tranquility was disturbed. Subsequently, the S.H.O. Police Station Pratap Nagar, Jaipur (East) filed complaint against both of them under Sections 107 and 116 (3) Cr.P.C. before the Court of Executive Magistrate-cum-Assistant Commissioner of Police, Sanganer, Jaipur (East) and the concerned Authority, vide its order dated 14.05.2021, restrained both the parties to maintain peace and tranquility for a period of six months.

9. Had any incident of sexual assault or rape occurred against the prosecutrix in between the year 2016 till 2021, she could have disclosed all these facts in the earlier complaint submitted by her against the petitioner or even when her statements were recorded before the Police during the course of investigation of the aforesaid complaint, but these facts were not disclosed by the prosecutrix and no justified reason for not disclosing these material facts have been explained/provided by the prosecutrix in the subsequent complaint filed by her against the petitioner.

10. The Hon'ble Apex Court in the case of **Batlanki Keshav (Kesava) Kumar Anurag v. State of Telangana & Anr.** reported in **2025 SCC OnLine SC 1258**, has held that non-disclosure of the allegations in the earlier FIR by the *de facto* complainant is fatal, and disclosing the same after several months in a subsequent FIR, is nothing but a sheer exaggeration and the same must be discarded. It has been held in para 29, which reads as under:

"29. It is also relevant to mention here that in FIR No. 751 of 2021, the de-facto complainant has not even made a whisper about the accused appellant

dumping her on the ground of her caste. Thus, apparently this allegation which has been set out in the subsequent FIR No. 103 of 2022 lodged almost after seven months is nothing but a sheer exaggeration which must be discarded.”

11. Going by the ratio propounded by the Hon’ble Apex Court in the aforesaid case that non-disclosure of the occurrence in the earlier complaint and disclosure of the same in the subsequent F.I.R. is fatal to the case of the *de facto* complainant therein being contradictory.

12. Following the ratio considered in the aforesaid case, indisputably non-disclosure of a serious offence within a reasonable time or at the relevant time when an earlier crime was registered against the same accused at the instance of the same *de facto* complainant, would show falsity of the allegations, making the subsequent procedure a sheer abuse of process of law.

13. Having found that the allegations are not trustworthy for the reasons already extracted, it cannot be held that *prima facie* any offence is established against the petitioner. On the contrary, the entire proceedings are abuse of process of the law.

14. In view of the discussions made hereinabove, there is serious doubt about the truthness of the allegations levelled by the *de facto* complainant against the petitioner in the impugned F.I.R. Looking to the fact that there exists a commercial dispute between the petitioner and the prosecutrix with regard to a certain sum of money, this Court is of the considered opinion that the instant case falls within the parameters, as prescribed by the Hon’ble Apex Court in the case of **State of Haryana and Others**

vs. Bhajan Lal and Others reported in **1992 Supp (1) SCC 335**, which clearly indicate that the instant criminal proceedings have been initiated against the petitioner maliciously with mala fide intention and with ulterior motive to harass him.

15. Having regard to the entire facts available on the record, this Court is of the opinion that the impugned F.I.R. No.574/2021, registered with the Police Station Muhana, District Jaipur City (South) for the offences punishable under Sections 420, 406 & 376 of IPC & Sections 66E & 67 of Information Technology Act, 2000 is nothing, but a bundle of lies full of fabrication and malicious allegations and therefore, the impugned F.I.R. and the proceedings arising out of the same are not sustainable in the eyes of law and the same deserve to be and are hereby quashed and set-aside.

16. Accordingly, the instant criminal misc. petition is allowed. The stay application and all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J