

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No.6901/2021

Yashpal Singh S/o Shri Padam Singh, Resident Of Daurda, Police
Station Roopbas, District Bharatpur, (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Vijay Ram S/o Shri Mansingh, Resident Of Hanipur, Tehsil
Kathumar, District Alwar (Rajasthan).

----Respondents

For Petitioner(s)	:	Mr. Kapil Gupta
For Respondent(s)	:	Mr. Gaurav Gupta, Asstt.GA with Ms. Neha Goyal

JUSTICE ANOOP KUMAR DHAND

Order

06/05/2026

1. The instant criminal 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 the instant criminal misc. petition, a prayer has been made to quash the impugned FIR No.182/2020 registered with the Police Station Malakhera, District Alwar for the offences punishable under Sections 363, 376D IPC and Sections 5/6 of the POCSO Act and Section 3 and 3(2)(va) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act and all the subsequent proceedings arising out of the same.

4. It has been averred in the present petition that the impugned FIR and the charge-sheet are not revealing commission of any cognizable offence and registration of the impugned FIR amounts to abuse of process of law. It has also been averred in the petition that with an oblique motive, the Police has implicated the petitioner in the instant case, hence, the impugned FIR deserves to be quashed.

5. *Per contra*, learned Public Prosecutor opposes the prayer and submits that after thorough investigation in the present matter, charge-sheet has already been submitted against the petitioner for the offences stated hereinabove in his absence under Section 299 Cr.P.C. on 27.12.2020, as the petitioner was absconding and in-spite of making several efforts to apprehend him, he was not traceable. Hence, interference of this Court is not warranted.

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

7. Perusal of the allegations levelled against the petitioner in the impugned FIR and the statements of the prosecutrix so recorded, reveals commission of cognizable offence. At this stage,

this Court cannot examine the correctness of the allegations by conducting a fishing and roving inquiry while exercising its inherent jurisdiction under Section 482 Cr.P.C. Since the investigation has already been concluded and charge-sheet has been submitted against the petitioner under Section 299 Cr.P.C., as the petitioner is absconding, this Court is not inclined to accept the prayer made by the petitioner.

8. Accordingly, the instant criminal misc. petition stands dismissed. The stay application as well as all pending applications, if any, stand dismissed.

(ANOOP KUMAR DHAND),J