

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 5528/2024

Dheeraj Yadav S/o Shri Sajjan Singh Yadav, Aged About 24 Years, Resident Of Village- Manchal, Tehsil- Behror, District Kotputli- Behror, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Uday Singh Yadav S/o Shriram Yadav, Aged About 50 Years, Resident Of - Hal Ci Sho Chandwaji, District- Jaipur, Raj.

-----Respondents

For Petitioner(s)	:	None
For Respondent(s)	:	Mr. Amit Punia-PP

JUSTICE ANOOP KUMAR DHAND

Order

08/12/2025

1. By way of filing the present criminal misc. petition, a prayer has been made for quashing the impugned FIR No. 117/2023 registered with Police Station Chandwaji, District Jaipur (Rural) for the offence under Section 3/25 of the Arms Act, 1959.
2. Contents of the misc. petition indicates that a plea has been taken that the petitioner has not committed any offence and the procedure for seizure of the arms was not conducted in the presence of an independent witness. Hence, the proceeding of the impugned FIR be quashed.
3. Per contra, learned PP opposes the prayer made in the petition and submits that the contents of the impugned FIR reveal the commission of a cognizable offence and recovery of firearm

has been effected at the instance of the petitioner and after thorough investigation, charge-sheet has been submitted against the petitioner before the competent court of law. Hence, under these circumstances, interference of this Court is not warranted.

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

5. The plea taken by the petitioner with regard to his innocence and false alleged involvement in the instant case, cannot be adjudicated upon by this Court at this stage. Whether the recovery was effected in absence of the independent witness or not. These are the disputed questions of fact which can be adjudicated by the Trial Court at the appropriate stage.

6. While exercising the power contained under Section 528 BNSS, this Court cannot appreciate the evidence and the defence of the accused at this stage. Hence, the present criminal misc. petition is liable to be rejected and is hereby dismissed.

7. However, the petitioner would be at liberty to take all the available defence, which have been taken before this Court in the petition, at the appropriate stage of trial before the trial Court.

8. Accordingly, the present criminal misc. petition stands dismissed. Stay application and all pending application (s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J