

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



S.B. Criminal Miscellaneous (Petition) No.6981/2021

1. Manju Sharma Wife Of Shri Jagdish Sharma, Aged About 49 Years, Resident Of Jaitaran Distt Pali Also At House Number 328, Srinathpuram Sector- C, Police Station R.k Puram Kota (Raj).
2. Sandeep Sharma Son Of Shri Jagdish Sharma, Aged About 32 Years, Resident Of Gram Devli Kala, Police Station Chechat, Tehsil Ramganjmandi District Kota At Present House Number 328, Srinathpuram Sector-C, Police Station R.k Puram Kota Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Superintendent Of Police, Kota.
3. Station House Officer, Police Station R.k Puram, District Kota.
4. Investigation Officer, Police Station R.k Puram, District Kota.
5. Ashok Kumar Son Of Mangilal, Aged About 47 Years, Resident Of House No. 304-305, Shreenathpuram C, R.k Puram, Kota City Raj Natural Guardian Victim Daughter Of Ashok Kumar.

----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 criminal misc. petition, a challenge has been led to the impugned FIR No.129/2021 registered with Police Station R.K. Puram, District Kota City for the

offences punishable under Section 376 IPC, Section 3(2)(v) of SC/ST Act and Sections 5 and 6 of POCSO Act.

2. It has been averred in the instant criminal misc. petition, that without there being any *prima facie* case against the petitioners, the impugned FIR has been lodged against him with ill will and to take coercive action against them. It has also been averred in the instant petition that there is delay in lodging the FIR and no justified reason has been assigned for such delay. On previous occasion also, one FIR No.213/2020 was registered with the Police Station R.K. Puram District Kota City for the offences punishable under Section 363 IPC, wherein the statements of complainant were recorded and after investigation Final Report has been submitted by the Police. Hence, a prayer has been made for quashing of impugned FIR.

3. *Per contra*, learned Public Prosecutor opposed the prayer and submitted that after thorough investigation from all the four corners in the instant matter, a *prima facie* case was found to be proved against the petitioners for the above stated offences, hence, charge-sheet has been submitted against them on 18.11.2021 before the Court of POCSO Act No.5, Kota, where trial is on going against the petitioners, hence, interference of this Court is not warranted.

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

5. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence. The correctness of the allegations cannot be examined by this Court while exercising inherent powers contained under Section 482 Cr.P.C. This Court

cannot conduct roving and fishing enquiry to find out the truth behind the allegations levelled against the petitioner. Certainly, this task has been assigned to the Investigating Officer, who has already found *prima facie* case against the petitioners and therefore, charge-sheet has been submitted against them.

6. In the considered opinion of this Court, the petitioners would be at liberty to take all available defences, which have been taken before this Court at the appropriate stage of the trial before the Trial Court.

7. Accordingly, the instant criminal misc. petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J