

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.399/2022

1. Indrajeet S/o Ramawtar Gurjar, Aged About 27 Years, R/o Islampura, P.s. Tadaraysingh, District Tonk.
2. Deshbandhu @ Monu S/o Sitaram Gurjar, Aged About 24 Years, R/o Islampura, P.s. Tadaraysingh, District Tonk.
3. Sachin Gurjar S/o Kalu Gurjar, Aged About 23 Years, R/o Islampura, P.s. Tadaraysingh, District Tonk.
4. Vijendra @ Dhramraj S/o Sita Ram Gurjar, Aged About 26 Years, R/o Islampura, P.s. Tadaraysingh, District Tonk.
5. Bachchan Gurjar S/o Shrawan Gurjar, Aged About 31 Years, R/o Ps Tadaraysingh, District Tonk.
6. Sita Ram Gurjar S/o Ramkaran Gurjar, Aged About 46 Years, R/o Islampura, P.s. Tadaraysingh, District Tonk.
7. Vikram S/o Ramawtar, Aged About 30 Years, R/o Islampura, P.s. Tadaraysingh, District Tonk.
8. Raju S/o Chittar Gurjar, Aged About 40 Years, R/o Chhan Baas, Surya, P.s. Tadaraysingh, District Tonk.

-----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Pawan Kumar S/o Nanu Lal Rana, R/o Ward No. 17, Pareekon Ka Mohalla, Sirsi Village, Bhankrota, Jaipur (Raj.)

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No.8294/2022

1. Ramraj Gurjar S/o Shri Kalu Gurjar, R/o Islampura Thana Tadaraisingh.
2. Sarjeet S/o Shri Ramprasad Gurjar, R/o Islampura Thana Tadaraisingh District Tonk.

-----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Pawan Kumar S/o Nanu Lal Rana, R/o Ward No. 17, Pareekon Ka Mohalla, Sirsi Village, Bhankrota, Jaipur

(Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Lokesh Kumar Sharma with Ms. Anjum Parveen Mr. Aniket Sharma
For Respondent(s)	:	Mr. Narendra Singh Dhakar, PP Mr. Ankit Khandelwal for Mr. Rohit Khandelwal
		Mr. Ashish Kumar, CO Circle, Malpura, Tonk, present in person

JUSTICE ANOOP KUMAR DHAND

Order

21/04/2026

1. By way of filing these criminal misc. petitions, the petitioners have approached this Court with the prayer to quash the impugned FIR No.481/2019 registered with Police Station Todaraysingh, District Tonk for the offences punishable under Sections 143, 341, 342, 323, 365, 307 and 379 IPC and Sections 3(1)(s) and 3(2)(v) of SC/ST Act, 1989.
2. Learned counsel appearing on behalf of the petitioners in S.B. Criminal Misc. Petition No.399/2022 submits that petitioner No.1-Indrajeet, petitioner No.2-Deshbandhu alias Monu, petitioner No.3-Sachin Gurjar, petitioner No.4-Vijendra alias Dhramraj, petitioner No.5-Bachchan Gurjar, petitioner No.6-Sita Ram Gurjar and petitioner No.7-Vikram were not named in the impugned FIR and have been charge-sheeted, however, the other accused-persons who were named in the impugned FIR have not been charge-sheeted. Learned counsel submits that now the police is bent upon to submit charge-sheet against the above-mentioned

petitioners by implicating them in the instant false case when in fact, they have not committed any offence and they were not involved in the alleged incident at all.

3. Learned counsel appearing on behalf of the petitioners in S.B. Criminal Misc. Petition No.8294/2022 submits that though petitioner No.1-Ramraj Gurjar and petitioner No.2-Sarjeet were named in the impugned FIR, but neither the charge-sheet was submitted against them nor the investigation was kept pending against them under Section 173 Cr.P.C. Learned counsel submits that without any basis, the police is bent upon to submit charge-sheet against them even though there is no evidence against them to implicate them in the instant case. Hence, interference of this Court is warranted.

4. A joint prayer has been made by both the counsels for quashing the proceedings of the impugned FIR.

5. The Investigating Officer Mr. Ashish Kumar, CO Circle, Malpura, Tonk is present in person on a direction issued by this Court and has submitted that initially charge-sheet was submitted against some of the co-accused persons and when the matter was further investigated, involvement of all the petitioners was found to be *prima facie* proved for the offence under Sections 147, 148, 341, 323, 342, 365 and 302/149 IPC. Learned counsel submits that on account of interim order dated 13.01.2022 passed by the co-ordinate Bench of this Court, charge-sheet could not be submitted against the petitioners.

6. Learned Public Prosecutor submits that after thorough investigation in the matters from all four corners, a *prima facie* case has been found to be proved against each of the petitioners.

Hence, interference of this Court is not warranted and the instant criminal misc. petitions are liable to be rejected.

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

8. Perusal of the documents available on record as well as the contents of the impugned FIR and the factual report submitted before this Court with regard to the investigation conducted in the impugned FIR reveal commission of cognizable offence. The correctness of the allegations against the petitioners cannot be examined by this Court in exercise of its powers contained under Section 482 Cr.P.C. by conducting a roving and fishing enquiry to find out the truth behind the allegations levelled by the witnesses against the petitioners during the course of investigation. Certainly, this task has been assigned to the Investigating Officer, who after investigating the matter from all the four corners has found *prima facie* case against each of the petitioners.

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

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

11. The interim order dated 13.01.2022 passed in S.B. Criminal Misc. Petition No.399/2022 stands vacated.

(ANOOP KUMAR DHAND),J