

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



S.B. Criminal Miscellaneous (Petition) No. 7213/2021

Mukesh Kumar Singh Son Of Shri Omprakash Singh, Aged About 35 Years, Resident Of Makan No. 565, Sector 14, Indra Nagar Lucknow (U.p).

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Victim

-----Respondents

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

JUSTICE ANOOP KUMAR DHAND

Order

06/05/2026

1. The instant 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 challenge has been made to the impugned FIR No.480/2021 registered with Police Station Shivdaspura, District Jaipur City (South) for the offence punishable under Section 376 IPC.

4. Learned counsel for the petitioner submits that the prosecutrix is a major lady who was in relationship with the petitioner since 2011 and everything between them has occurred with mutual consent of both parties. Counsel submits that now a concocted story has been created by the prosecutrix that on the pretext of false promise of marriage, physical relations were developed by the petitioner and now he has refused to perform marriage with the prosecutrix. Hence, the impugned FIR has been lodged based on false and fabricated allegations. Counsel submits that under these circumstances, the ingredients of the alleged offence are not found to be proved, and in-spite of the above, the Police is bent upon to submit charge-sheet against the petitioner.

5. *Per contra*, learned Public Prosecutor opposed the prayer.

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

7. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence. The correctness of the allegations cannot be examined or adjudged by this Court while exercising its inherent jurisdiction under Section 482 Cr.P.C. This Court cannot conduct fishing and roving inquiry to find out the truth behind the allegations levelled against the petitioner. Certainly, this task has been assigned to the Investigating Officer.

8. In the considered opinion of this Court, the petitioner would be at liberty to submit a representation before the Investigating Officer, who shall consider the same and thereafter submit the conclusion report under Section 173 Cr.P.C. before the concerned Court.

9. In case, charge-sheet is submitted against the petitioner, he would be at liberty to take all available defences at the appropriate stage of the trial, before the Trial Court.

10. With the aforesaid observations, the instant criminal misc. petition stands disposed of. Stay application as well as all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J