

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 8695/2022

Sandeep Kumar Mishra Son Of Shri Hari Gopal Sharma, Aged About 42 Years, Resident Of Gulab Kund, Mathura Gate, Bharatpur, District Bharatpur, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Devashish Mohitra Son Of Shri Asim Kumar Mohitra, Aged About 45 Years, Resident Of A-260, Awasiya Colony, Sitapura Industrial Area, Jaipur (Raj).

-----Respondents

For Petitioner(s)	:	Mr. Ravindra for Mr. Ved Prakash Sogarwal
For Respondent(s)	:	Mr. Narendra Singh Dhakar, PP

JUSTICE ANOOP KUMAR DHAND

Order

07/05/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned FIR No.02/2021 registered with the Police Station Special Offence and Cyber Crime Jaipur for the offences punishable under Sections 43 and 66 of the Information Technology Act.
2. It has been averred in the present petition that the instant FIR has been lodged with false and concocted allegations and with ulterior motive to harass and humiliate the petitioner. It has also been averred in the petition that the ingredients of the alleged offences are missing in the impugned FIR. Hence, the same is not sustainable in the eye of law and is liable to be quashed.

3. *Per contra*, learned Public Prosecutor opposes the prayer and submits that after investigation, *prima facie* case was found to be proved against the petitioner for the offence punishable under Sections 43 and 66 of the Information Technology Act. Hence, charge-sheet has already been submitted against him before the Court of Additional Chief Metropolitan Magistrate No.8, Jaipur Metropolitan-I on 12.10.2022. Hence, interference of this Court is not warranted.

4. Heard and considered the submissions made at Bar and perused the material 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 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, who has investigated the matter and has found *prima facie* case against the petitioner and submitted charge-sheet against him before the concerned Court way back in the month of October, 2022.

6. Considering the above facts and circumstances of the case, this Court deems it just and proper to dispose of the instant criminal misc. petition granting liberty to the petitioner to take all available defence which have been taken before this Court, at the appropriate stage of the trial before the Trial Court.

7. 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.

8. The factual report dated 20.11.2023 is ordered to be retained on the record.

(ANOOP KUMAR DHAND),J

KuD/27