

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



S.B. Criminal Miscellaneous (Petition) No. 6525/2025

Jitendra Kumar S/o Shri Dungaram, aged about 39 Years, R/o Village Satyun, Police Station Taranagar, District Churu, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan, through Public Prosecutor.
2. Nitesh Bhartia S/o Shri Nirmal, aged about 37 Years, R/o Dhandhan, Ramgarh Sethan, Sikar, Rajasthan.

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 5959/2025

1. Kishan Bhartia S/o Shri Harishankar Bhartia, aged about 72 Years, R/o 75, Cotton Street, Near Satnarayan Park Ac Market, Barabazar, Kolkata, West Bengal - 700007.
2. Kunal Bhartia S/o Shri Kishan Bhartia, aged about 32 Years, R/o 2, Mandevilla Gardens, Opposite State Bank Of India, Ballygunge, Kolkata, West Bengal - 700019.

-----Petitioners

Versus

1. State of Rajasthan, through Public Prosecutor.
2. Nitesh Bhartia S/o Shri Nirmal, aged about 37 Years, R/o Dhandhan, Ramgarh Sethan, Sikar, Rajasthan.

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 5960/2025

1. Surendra Khemka S/o Shri Rajkumar Khemka, aged about 43 Years, R/o Khemaka Bhawan, Ward No. 13, Churu, Rajasthan 331001.
2. Mahesh Kumar Bhartia S/o Shri Sohan Lal Bhartia, aged about 69 Years, R/o 2, Lajpat Nagar, South Delhi, New Delhi - 110024.

-----Petitioners

Versus

1. State of Rajasthan, through Public Prosecutor.
2. Nitesh Bhartia S/o Shri Nirmal, aged about 37 Years, R/o

Dhandhan, Ramgarh Sethan, Sikar, Rajasthan

-----Respondents

For Petitioner(s)	:	Mr.R.K. Sharma Mr.Bhrigu Sharma Mr.Palash Srivastav Mr.Rajkuma Kaushik
For Respondent(s)	:	Mr.Amit Punia, PP Ms.Misha sharma & Mr.Vikas Gurjar for Mr.Deepak Chauhan

JUSTICE ANOOP KUMAR DHAND

Order

10/12/2025

1. These instant criminal misc. petitions have been preferred with the prayer to quash the impugned F.I.R. No.123/2025 registered at Police Station Ramgarh Sethan, District Sikar for the offences under Sections 3(5), 115(2), 333 & 126(2) of BNS, 2023.
2. At the outset, learned Public Prosecutor apprised this Court that after investigation, the involvement of the petitioners Kishan Bhartia, Mahesh Kumar Bhartia, Kunal Bhartia and Surendra Khemka was not found to be proved and the allegations levelled against the accused Jitendra Kumar along-with other accused persons have been found to be proved.
3. Learned counsel appearing on behalf of the accused-petitioner Jitendra Kumar submits that the petitioner-Jitendra Kumar is not named in the impugned F.I.R and the impugned F.I.R. was registered against the three or four unknown persons, still he has been implicated as an accused for the offence under Sections 111, 115(2), 333, 3(5) & 126(2) read with Section 61(2) of BNS, 2023. Counsel submits that the allegations levelled in the

impugned F.I.R. do not reveal any ingredients of the above offences. Hence, under these circumstances, the impugned F.I.R. be quashed qua the petitioner.

4. *Per contra*, learned Public Prosecutor as well as counsel appearing on behalf of the complainant submitted that as per the investigation, evidence has come on record that the petitioner was involved in hatching a conspiracy, whereby he deposited certain amount in the account of the assailants, who caused the incident and he was also in touch with them on the telephone and by way of messaging them. Counsel submits that under these circumstances, the allegations levelled in the F.I.R. reveal commission of a cognizable offence and the same is required to be investigated by the Investigating Agency. Hence, interference of this Court is not warranted and the instant petitions filed by the accused-Jitendra Kumar is liable to be rejected.

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

6. So far as the instant petitions preferred by the accused-Kishan Bhartia, Mahesh Kumar Bhartia, Kunal Bhartia and Surendra Khemka are concerned, these instant petition have become infructuous as their role/ involvement has not been found to be proved by the Police.

7. But, with regard to the allegations levelled against the petitioner-Jitendra Kumar are concerned, the contents of the impugned F.I.R. and the investigation conducted so far reveal commission of a cognizable offence. Whether the petitioner hatched any conspiracy with the other accused persons or not or whether money was transferred in their account by the petitioner

or not. All these facts are required to be investigated by the Investigating Agency during the course of investigation. This Court cannot adjudge the correctness and genuineness of the allegations levelled in the impugned F.I.R. and the statements recorded during the course of investigation. Hence, this Court does not find it a fit case to interfere with the course of investigation.

8. Accordingly, the instant petition submitted by the accused petitioner-Jitendra Kumar stands rejected.

9. Before parting with this order, it is made clear that if during the course of investigation, the Investigating Agency comes to the conclusion that the involvement of these four persons namely, Kishan Bhartia, Mahesh Kumar Bhartia, Kunal Bhartia and Surendra Khemka is found, the petitioners would be at liberty to move an appropriate application for revival of these petitions.

(ANOOP KUMAR DHAND),J