

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



S.B. Criminal Miscellaneous (Petition) No. 6451/2025

1. Dhanraj S/o Meetha Lal, aged about 42 Years, R/o Gram Hingoni, Police Station Kundera, District Sawai Madhopur, Rajasthan 322029
2. Shriram S/o Meetha Lal, aged about 42 Years, R/o Gram Hingoni, Police Station Kundera, District Sawai Madhopur, Rajasthan 322029

----Petitioners

Versus

1. State of Rajasthan, Through PP
2. Habhulal S/o Radheyshyam, R/o Raitha Kalan, Kundera, Sawai Madhopur, Rajasthan 322029

----Respondents

For Petitioner(s)	:	Mr.Kumawat Ritesh
For Respondent(s)	:	Mr.Rajesh Choudhary, GA-cum-AAG Mr.Vivek Choudhary, PP Mr.Himanshu with Mr.Manvendra Singh Choudhary

JUSTICE ANOOP KUMAR DHAND

Order

09/12/2025

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned F.I.R. No.53/2025 registered at the Police Station Kundera, District Sawai Madhopur for the offence under Sections 189(2), 115(2), 126(2), 303(2) & 140(3) of BNS.
2. Learned counsel for the petitioners submits that the above instant F.I.R. is a counterblast to the F.I.R. No.52/2025 registered by the wife of the petitioner against the son of the complainant

under Sections 70(1), 351(2) & 331(2) BNS & Sections 5 & 6 of POCSO Act.

3. Counsel submits that when the complainant allegedly committed the incident of sexual assault with the daughter of the petitioner No.1, an F.I.R. No.52/2025 was registered against him. Counsel submits that in fact, when the complainant was chased by the petitioner, his motorcycle was hit by a pole and he sustained injuries and thereafter, the ambulance was called upon by the petitioners and he was taken to the hospital, therefore, he has sustained injuries accidentally while running from the place of occurrence as stated in the impugned F.I.R. registered by the petitioners. Counsel submits that under these circumstances, the impugned allegations levelled in the impugned F.I.R. are not tenable and are liable to be quashed.

4. In support of his contention, he has placed reliance upon the judgment passed by the Hon'ble Apex Court in the case of **Nitin Ahluwalia Vs. State of Punjab & Anr.** reported in **2025 SCC OnLine SC 2013.**

5. *Per contra*, learned Public Prosecutor as well as counsel appearing on behalf of the complainant opposed the arguments and submitted that the allegations levelled in the impugned F.I.R. reveals commission of a cognizable offence, hence, interference of this Court is not warranted.

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

7. Whether the impugned F.I.R., i.e., F.I.R. No.53/2025 is a result of counterblast to the F.I.R. No.52/2025 or not. Whether the complainant has sustained injuries by hitting with a pole or the

injuries have been caused by the petitioners or not. All these facts and allegations are required to be investigated by the Investigating Agency. This Court at this stage cannot adjudge the correctness and genuineness of the allegations levelled against the petitioners. Certainly, this task has been assigned to the Investigating Officer.

8. However, the petitioners would be at liberty to submit a representation before the Investigating Officer, who shall consider the same strictly in accordance with law.

9. With the aforesaid observation, the instant criminal misc. petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J