

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



S.B. Criminal Miscellaneous (Petition) No. 5904/2018

1. Sushila Choudhary D/o Shri Sitaram Choudhary, Aged About 21 Years, R/o Village Degdho Ki Dhani, Ramola, Tehsil Sanganer, District Jaipur, At Present R/o Via Post Rampura Unti Bagru, Tehsil Sanganer, Jaipur.
2. Babu Lal Jat S/o Shri Ramnarayan Jat, Aged About 25 Years, R/o Via Post Rampura Unti, Bagru, Tehsil Sanganer, Jaipur.

----Petitioners

Versus

1. State of Rajasthan, Through P.P.
2. ACP Jaipur West, Jaipur Metropolitan, Jaipur.
3. DCP Jaipur West, Jaipur Metropolitan, Jaipur.
4. SHO Police Station Bagru, Jaipur.
5. Sitaram Choudhary S/o Shri Moolchand Jat, Aged About 48 Years, R/o Village Degdho Ki Dhani, Tan Ramola Bagru, Jaipur East, District Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Amit Kumar Sharma with Ms. Poonam Kumawat for Mr. Manish Sharma Ms. Sushila Choudhary and Mr. Babu Lal Jat present in person
For Respondent(s)	:	Mr. Narendra Singh Dhakar, PP

JUSTICE ANOOP KUMAR DHAND

Order

24/04/2026

1. By way of filing the instant petition, a challenged has been led to the impugned FIR No. 356/2018, registered with Police Station Bagru, District Jaipur (West) for the offences punishable under Sections 380, 413, 461, 120B IPC, lodged by the complainant-respondent No.5.

2. Learned counsel for the petitioner submits that the petitioner No.1 is the real daughter of the complainant-respondent No.5. She solemnized marriage with the petitioner No.2 against the wish and will of family members and since were not happy with the couple's marriage, they threatened the petitioners. Hence, under these circumstances, the petitioners approached this Court by way of filing the S.B. Criminal Miscellaneous Petition No. 4598/2018, seeking protection of their life and liberty from the apprehended threat at the hands of their family members. He further submits that statements of the petitioner No.1 were recorded before the Registrar (Judicial) of this Court, wherein, she admitted the factum of her marriage with the petitioner No.2 and submitted that her father was bent upon to solemnize her marriage with some other person.

3. Counsel further submits that considering the overall facts and circumstances of the case, the Co-ordinate bench of this Court passed a protection order in favour of the petitioners on 06.08.2018. He further submits that in counter-blast to the aforesaid proceedings, now the impugned FIR has been registered on 01.09.2018 against the petitioners based on false and fabricated allegations that both the petitioners have taken some ornaments and cash from the house of the complainant-respondent No.5. He further submits that in fact no such incident has occurred, but in counter-blast to the proceedings initiated by the petitioners seeking protection of their married life, a false and fabricated FIR has been lodged by none other than the father of the petitioner No.1. Hence, under these circumstances, interference of this Court is warranted.

4. None has put appearance on behalf of the complainant-respondent No.5, in spite of service. Learned Public Prosecutor oppose the prayed.

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

6. Perusal of the record indicates that the petitioners have solemnized their marriage and their family members were not happy with their marriage, hence, they threatened the petitioners to end their life. Hence, under these circumstances, the petitioners approached this Court by way of filing S.B. Criminal Miscellaneous Petition No. 4598/2018, seeking protection of their life and liberty. Even the statements of the petitioner No.1 were also recorded before the Registrar (Judicial) and she has narrated the fact which have been argued by the learned counsel for the petitioner and on the basis of her statements, protection order was passed in their favour by the Co-ordinate bench of this Court on 06.08.2018.

7. It appears that in counter-blast to the aforesaid, the impugned FIR has been lodged on 01.09.2018, wherein, allegations have been levelled by the father of the petitioner No.1 that, she along with the petitioner No.2 has committed the offence of theft by stealing some ornaments or cash from his house. The aforesaid allegations are vexatious and the same have been levelled with ulterior motives to harass the petitioners and destroy their peaceful matrimonial life.

8. In the considered opinion of this Court, on account of the above narrated facts and reasons stated above, continuation of the proceedings arising out of the impugned FIR tantamounts to

abuse of the process of law. Hence, the same are liable to be and are hereby quashed and set aside.

9. With the aforesaid observations, the instant petition stands allowed. Stay application and all pending application(s), if any, shall stand disposed of.

(ANOOP KUMAR DHAND),J

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