

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6804/2025

1.

Arhaan Gupta Son Of Shri Naresh Gupta, Aged About 25 Years, Proprietor Of M/s Sultan Cranes Services Office At 5/2, Facility Centre, Mayapuri Industrial Area, Phse-Ii, Delhi-110064.
2.

Naersh Gupta Son Of Shri Rooplal Gupta, Aged About 55 Years, Agent/ Authorized Person Of M/s Sultan Cranes Services Office At 5/2, Facility Centre, Mayapuri Industrial Area, Phse-Ii, Delhi-110064.

-----Petitioners

Versus

1.

State Of Rajasthan, Through P.p.
2.

Shri Gurudas Wadhwa, Aged About Adult Through Proprietor/ Owner/ Director Of M/s Jyoti Builders Address 102-A, Mahadev Nagar, Gandhi Path, Vaishali Nagar, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr.Rajesh Maharshi with Mr.Prashant Dubey
For Respondent(s)	:	Mr.Amit Punia, PP

JUSTICE ANOOP KUMAR DHAND

Order

10/11/2025

1.

By way of filing this petition, a prayer has been made to quash the impugned F.I.R. No.98/2025 registered with the Police Station Chitrakoot, Jaipur (West) for the offences under Sections 318(4), 336(3), 338, 340(2) & 3(5) of the BNS, 2023.
2.

Learned counsel for the petitioners submits that the petitioners have not committed any offence whatsoever, but the bill/invoices were uploaded on the site in terms of the provisions

contained under the Goods and Services Tax Act. Counsel submits that under these circumstances, no offence has been made out against the petitioners even then, the respondents are bent upon to apprehend the petitioners, hence, under these circumstances, interference of this Court is warranted.

3. *Per contra*, learned Public Prosecutor opposed the prayer and submits that the contents of the F.I.R. reveals commission of a cognizable offence and the same is required to be investigated by the Investigating Agency, hence, under these circumstances, interference of this Court is not warranted.

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

5. Perusal of the F.I.R. and the allegations mentioned therein reveal commission of a cognizable offence and the same is required to be investigated by the Investigating Officers at this stage, this Court cannot adjudge the correctness of the allegations levelled against the petitioners, certainly, it is the task of the Investigating Officer.

6. However, the petitioner may submit a detailed comprehensive representation along-with relevant documents before the Investigating Officer, who shall consider the same in accordance with law.

7. In case, the Investigating Officer comes to the conclusion that a cognizable offence is made out against the petitioners, then he would issue a notice under Section 35 of the BNSS to the petitioners before proceeding against them. Even if, the Investigating Officer comes to the conclusion that the arrest of the

petitioners is required, at least 15 days prior notice would be given to the petitioners.

8. With the aforesaid observations, the misc. petition stands disposed of. Stay application as well as all applications (pending, if any) also stand disposed of.

(ANOOP KUMAR DHAND),J