

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



S.B. Criminal Miscellaneous (Petition) No. 6963/2025

1. Satyanarayan Gupta Son Of Late Mr. Radhe Shyam Gupta, Aged About 56 Years, Presently Residing At 364, Sector-3, Gems Colony, Vidhyadhar Nagar, Jaipur-302039 (Rajasthan).
2. Govind Mahima Realmart Private Limited, A Company Incorporated Under The Provisions Of The Companies Act, 1956 (Now Governed By The Companies Act, 2013) Having Its Corporate Identification No. (Cin-U45201Rj2008Ptc026400) Presently Locates Its Registered Office At, 707 Paris Point, Near Collectorate Circle Banipark, Jaipur-302016 (Rajasthan), Through Its Director Mr. Satyanarayan Gupta Son Of Late Mr. Radhe Shyam Gupta, Aged About (54) Years Presently Residing At 364, Sector-3, Gems Colony, Vidhyadhar Nagar, Jaipur-302039 (Rajasthan).

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Public Prosecutor.
2. Mr. Shankar Khandelwal Son Of Mr. Mohan Lal Khandelwal, Presently Residing At A-2, Rana Pratap Nagar, Kalwar Road, Jaipur- 302012 (Rajasthan). Through Its Director Shri Govind Kripa Buildmart Private Limited, A Company Incorporated Under The Provisions Of The Companies Act, 1956 (Now Governed By The Companies Act, 2013) Having Its Corporate Identification No. (Cin-U45201Rj2007Ptc024320) Locates Its Registered Office At, A-2, Rana Pratap Nagar, Kalwar Road, Jothwara, Jaipur-302012, (Rajasthan),

----Respondents

For Petitioner(s)	:	Mr. Sawdeep Singh Hora Mr. Rajesh Mehrishi Mr. Naresh Kumar Sejvani Mr. Kunal Sharma
For Respondent(s)	:	Mr. V.R. Bajwa, Sr. Adv., assisted by Mr. Amar Kumar Mr. Dinesh Kumar Garg Mr. Rajesh Choudhary-GA-cum-AAG

Mr. Jitendra Singh Rathore, Addl.G.A.
Ms. Neha Goyal
Mr. Alok Kumar, ACP, Jhotwara
Mr. Suresh Singh, C.I. P.S. Kalwar

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

25/03/2026

1. By way of filing this petition, a challenge has been led to the impugned FIR No.166/2025 registered with Police Station Kalwar District Jaipur on 19.5.2025 for the offences under Sections 318(4), 338, 336(3), 340(2), 329 (3), 62 & 61(2) of Bharatiya Nyaya Sanhita, 2023 B.N.S.

2. The relevant facts of this criminal misc. petition are that the FIR No. 166/2025 was lodged at Police Station Kalwar District Jaipur on 19.5.2025 by Shankar Khandelwal (Director of M/s Shri Govindkripa Buildmart Pvt. Ltd.) for the offences under Sections 318(4), 338, 336(3), 340(2), 329 (3), 62 and 61(2) of BNS & 420, 467, 468, 471, 447 & 120-B, I.P.C. against Satyanarayan Gupta (Director of M/s Govind Mahima Realmart Pvt. Ltd.), Rambabu Yadav and other miscreants and allegation in the FIR shows that the complainant's company namely Govind Kripa Build Mart Pvt. Ltd, (owner/khatedar of land) and M/s Govind Mahima Real Mart Pvt. Ltd. (in capacity of developer) developed a residential colony in the name of Parth City at Kalwar road, Manchwa, Jaipur, regarding which development agreement was entered into by both the sides on 16.7.2011. In the development agreement it was specifically mentioned that any allotment letter, land conversion or any other document to be executed would be jointly signed by

both the executors, if it's not so any document would be treated as null and void. Information regarding such an agreement was also got published in news paper.

In Parth City itself, such information has been publicly displayed at various places and some miscreants Ram Babu Yadav and others came at plot no. BS-2 measuring 444.44 sq yards and tried to do construction over it on the basis of fake Patta issued under the sign of accused-respondent alone, whereas, not even a single patta has been issued in Parth City by the petitioner without the signatures of both the parties i.e. owner of the land-petitioner and developer-the accused. In aforesaid case learned trial Court granted anticipatory bail to petitioner vide its order dated 24.10.2025.

3. Learned counsel for the petitioners submits that a bare reading of the FIR does not disclose the commission of any criminal offence against the petitioners. He further submits that the matter pertains to a civil dispute, for which the complainant has wrongly lodged the FIR against the petitioners. He further submits that the dispute arises out of the development of a residential colony and that in the event of breach of any clause, an arbitration agreement exists between the parties; therefore, the lodging of the FIR is unwarranted. He further submits that the petitioners are directors of the company and, as such, cannot be held liable for any alleged criminal acts committed by the company or on its behalf. He further submits that the petitioners are developers of the residential colony, holding 40% share in the company as developers.

4. In support of his contentions, learned counsel for the petitioners relied upon various judgments, which are as under:-

- i. Delhi Race Club Ltd. v. State of UP
(2024) 10 SCC 890
- ii. Lalit Kumar Duggar v. State of Rajasthan
S.B. Crl. Misc. (Pet) No. 6915/2022
Order dated 22.05.2025
- iii. Arun Kumar v. State of Raj
S.B. Crl. Misc. (Pet) No. 2089/2018
- iv. Mohammad Ibrahim v. State of Bihar
2009 (8) SCC 751
- v. Mitesh Kumar J. Sha v. State of Karnataka
2022 (14) SCC 572
- vi. Velji Raghavji Patel v. State of Maharashtra
1965 (2) SCR 429
- vii. Hari Mohan v. State of Rajasthan
MANU/RH/0962/2006
- viii. Shyam Sunder Bajaj v. State of Rajasthan
S.B. Criminal Misc. Pet No. 5235/2014
- ix. Jashbhai Gordhanbhai Patel v. Hasmukhlal
1971 SCC Online Guj 79
- x. T.T. Anthony v. State of Kerala
2001 (6) SCC 181
- xi. Amitbhai Anilchandra Shah v. CBI
2013(6) SCC 348
- xii. Robert John Dsouza v. Stephen
2015(9) SCC 96
- xiii. Kaliash Kumar Sanwatia v. State of Bihar
2003 (7) SCC 399
- xiv. Mariam Fasihuddin v. State
2024 (11) SCC 733
- xv. AM Mohan v. State
2024 (12) SCC 181
- xvi. Rajeshbhai Muljibhai v. State of Gujarat

2020 (3) SCC 794

xvii. Sardar Ali Khan v. State of UP

2020 (12) SCC 51

xviii. Sushil Sethi v. State of AP

2020(3) SCC 240

xix. Sharad Kumar Sanghi v. Sangita Rane

2015 (12) SCC 781

xx. Maksud Sayeid v. State of Gujarat

2008 (5) SCC 668

5. Learned Government Advocate-cum-Additional Advocate General assisted by learned Senior Counsel for respondent No. 2, opposed the petition and submit that the scope of interference under Section 528 of the B.N.S.S., 2023 for quashing of an FIR is very limited. They further submit that a bare reading of the FIR clearly discloses the commission of cognizable offences against the petitioners. They further submit that the existence of an arbitration clause in the agreement does not bar the registration or continuation of criminal proceedings against the accused persons. They further submit that the petitioners have issued forged *pattas* by signing them unilaterally, while, as per the agreement, the *pattas* were required to be executed jointly by both the landowner and the developer. They further submit that in connivance with another person, the petitioners issued forged *pattas* pertaining to different locations within the residential colony, on account of which, the complainant has suffered financial loss as well as damage to reputation.

6. In support of their contentions, Learned Government Advocate-cum-Additional Advocate General assisted by learned Senior Counsel for the respondent No.2 has relied upon various judgments, which are as under:-

- i. **Ravindra Kumar Madhanlal Goenka & Anr. v. M/s. Rugmini Ram Raghav Spinners P. Ltd.,** reported in **JT 2009 (13) SC 203.**
- ii. **Dineshbhai Chandubhai Patel v. State of Gujarat & Ors.,** reported in **JT 2018 (1) SC 141.**
- iii. **Muskan Vs. Ishaan Khan(Sataniya) and Ors.,** reported in **2025 INSC 1287.**
- iv. **Sunil Bharti Mittal Vs. Central Bureau of investigation.,** reported in **(2015) 4 SCC 609.**
- v. **Priti Saraf & Anr. Vs. State of NCT of delhi & Anr.,** reported in **2021 SC 154.**

7. Heard learned counsel for the parties and perused the record.

8. The Hon'ble Supreme Court in the matter of **Neeharika Infrastructure Private Limited Vs. State of Maharashtra & Ors.,** reported in **(2021) 19 SCC 401,** in para No.33 held as under:-

"33. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence.

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).

33.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

33.6. Criminal proceedings ought not to be scuttled at the initial stage.

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere."

9. The criminal miscellaneous petition filed by the petitioners deserves to be dismissed; for the reasons, firstly, the petitioner No.1 is history-sheeter against whom 94 criminal cases have been registered in various police stations across Jaipur City, out of which, 8 cases are pending trial and 21 cases are under investigation, secondly, the complainant is the owner of the land upon which the residential colony is under development and the petitioners have failed to perform their duties regarding such development, thirdly, admittedly, the petitioners have issued forged *pattas* by signing them individually, whereas, according to

the agreement entered between the parties, both the petitioners and the complainant were required to sign the *pattas*, fourthly, the report from the Forensic Science Laboratory (FSL) regarding genuineness of the signature has not yet been received by the Investigating Agency and lastly, a perusal of the FIR indicates that cognizable offences appear to have been made out against the petitioners and they have the opportunity, at the stage of trial or at the stage of framing of charges to prove their case, therefore, considering the facts and circumstances of the present case, no case is made out for the quashing of the FIR at this stage.

10. Hence, the criminal misc. petition stands dismissed.

(INDERJEET SINGH),J