

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6865/2025

Rahish Son Of Shri Kudaram, Aged About 40 Years, Resident Of Village Gokul Ka Was, Post Farat, Tehsil Surajgarh, District Jhunjhunu (Raj).

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Prateek Sharma Son Of Shri Ambika Prasad Sharma, Aged About 35 Years, R/o Shyam Mandir Ke Pichhe, Kasba Pilani, District Jhunjhunu, Raj.

----Respondents

For Petitioner(s)	:	Ms. Nirmal Solanki
For Respondent(s)	:	Mr. Amit Gupta-PP

JUSTICE ANOOP KUMAR DHAND

Order

10/11/2025

1. By way of filing this criminal misc. petition, a prayer has been made to quash the impugned FIR No. 287/2025 registered at Police Station Chirawa, District Jhunjhunu for the offence under Sections 318(4), 336(2), 336(3), 338, 308(4), 351(2) and 61(2) of the BNS, 2023.
2. Counsel for the petitioner submits that the petitioner is a bona fide purchaser and an agreement was executed by the co-accused persons by showing themselves as owner of the subject land. Counsel submits that later on when the petitioner came to know about this fact that the subject land does not belongs to the aforementioned accused persons, immediately thereafter the petitioner cancelled the aforesaid agreement and executed

another agreement on 28.07.2025, hence under these circumstances, interference of this Court is warranted and the impugned FIR is liable to be quashed and set aside.

3. Per contra, learned Public Prosecutor opposed the arguments raised by counsel for the petitioner.

4. Having regard to the facts and circumstances of the case, this Court is of the view that allegations made in the FIR are subject matter of investigation and the same cannot be quashed by this Court under its inherent jurisdiction contained under Section 528 BNSS, 2023. However, the petitioner is at liberty to file a representation before the Investigating Officer, who shall consider the same in accordance with law.

5. 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