

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7479/2024

1. Shanti Devi W/o Shri Radheyshyam, Aged About 69 Years, R/o Plot No. 458, Kanakpura Indra Ji Ki Kothi, Near Mangalam Kanak Vrindavan City, Sirsi Road, Panchyawala, Jaiur, (Rajasthan).
2. Ashok S/o Shri Radheyshyam, Aged About 43 Years, R/o Plot No. 458, Kanakpura Indra Ji Ki Kothi, Near Mangalam Kanak Vrindavan City, Sirsi Road, Panchyawala, Jaiur, (Rajasthan).

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Jitendra S/o Suresh Kumar, Aged About 39 Years, R/o Plot No. 70, Dadagurudev Nagar, Dadabadi, Sanganer Sadar, Jaipur City (South), Rajasthan Presently R/o Koshlyadas Ki Bavdi, Renwal Manji, Jaipur Rural, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Yash Pal Garg Mr. K. N. Sharma
For Respondent(s)	:	Mr. M.S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

11/11/2024

Learned counsel for the petitioners submits that an agreement to sale was executed between the parties for which petitioners received Rs.70,00,000/- (Seventy Lakh Rupees) from the complainant. Later on, dispute arose between the parties, so Rs.29,00,000/- (Twenty Nine Lack Rupees) were returned to the complainant by way of RTGS and remaining 41,00,000/- (Forty One Lakh Rupees) were paid in cash for which receipt was

executed by the complainant. Counsel submits that now impugned FIR No. 116/2024 registered at Police Station Renwal Manji, District Jaipur (Rural) has been lodged against the petitioner for the offences under Sections 318(4), 316(2) & 61(2)(b) of BNS alleging therein that complainant has not executed any receipt receiving the payment of 41,00,000/- (Forty One Lakh Rupees) and he also mentioned in the FIR that he has received Rs.29,00,000/- (Twenty Nine Lack Rupees) in his account from unknown account. It is further submitted that a civil suit with regard to specific performance has already been filed by the complainant against the petitioners in the competent civil court.

Matter requires consideration.

In view of above submissions, issue notice to respondents.

Learned State Counsel accepts notice on behalf of respondent No.1-State. Copy of this petition has already been supplied in his office.

Let notice be issued to respondent No.2-complainant, through both the process returnable by next date of hearing. Requisites be filed within a period of one week, failing which this petition shall stand dismissed automatically without further reference to the bench.

List this case after six weeks. Till next date of hearing, there shall be stay on the arrest of the petitioner in connection with FIR No.116/2024 registered at Police Station Renwal Manji, District Jaipur (Rural). It is made clear that petitioners shall fully co-operate with the investigation.

(ANIL KUMAR UPMAN),J