

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

S.B. Criminal Miscellaneous (Petition) No. 7641/2024

1. Badrilal Sharma S/o Shri Jamunashankar Ji Sharma, Aged About 76 Years, Resident Of 167, Mahaveer Nagar-Ii, Kota.
2. Girja Shankar Shrama S/o Shri Badrilal Sharma, Aged About 44 Years, Resident Of 167, Mahaveer Nagar-Ii, Kota.
3. Gajendra Sharma S/o Shri Badrilal Shrama, Aged About 40 Years, Resident Of 167, Mahaveer Nagar-Ii, Kota.
4. Ravi Kant Sharma S/o Late Shri Prabhakar Sharma, Aged About 49 Years, Resident Of House No. 3-C-35, Dadabari Extension, Kota (Raj).

----Petitioners

Versus

1. State Of Rajasthan, Through PP
2. Govindlal S/o Shri Behru, Village Padliya, Tehsil Mangrole, District Baran (Raj).

----Respondents

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| For Petitioner(s) | : | Mr. Shailesh Prakash Sharma |
| For Respondent(s) | : | Mr. M.S. Shekhawat, PP      |

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**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

**Order**

**19/11/2024**

1. Learned counsel for the petitioners submits that a suit for specific performance of agreement to sale, executed by the respondent No.2-complainant in favour of the petitioners, has been filed by the petitioners. He submits that an application under Order 7 Rule 11 CPC was filed by the complainant-respondent No.2 mentioning therein that learned civil court does not have any territorial jurisdiction to try the suit. It is submitted

that the said application was accepted by the learned civil court vide its order dated 23.08.2024 and while accepting the application, learned civil court held that agreement to sale for which suit was filed by the petitioners is prima-facie forged and therefore, Superintendent of Police, Kota City was directed to register a case against the petitioners.

2. Counsel submits that order passed by the civil court was assailed by the petitioners before this Court by way of Civil Writ Petition (No.14062/2024) and vide order dated 31.08.2024, the observations made by the learned Addl. District Judge No.1, Kota in the order dated 23.08.2024 to hold the agreement to sale dated 10.03.2016 as forged document and issuing directions to register criminal case against the petitioners was ordered to be stayed but prior to passing of the said order, the impugned FIR has already been registered against them on 29.08.2024 at Police Station Nayapura, District Kota City for the offences punishable under Sections 246, 318(4), 336(3), 338, 340(2) and 61(2)(a) of BNS. In these circumstances, petitioners have no option but to challenge the impugned FIR.

3. Matter requires consideration.

4. Issue notice to the respondents.

5. Learned State Counsel accepts notice on behalf of State. Copy of this petition has already been supplied in his office.

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



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7. List this case after eight weeks. Till next date of hearing, further investigation in FIR No.379/2024 registered at at Police Station Nayapura, District Kota City shall remain stayed.

(ANIL KUMAR UPMAN),J

GAUTAM JAIN /472