

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7196/2025

Tesu Chauhan D/o Sh. Sardar Singh and Anr.

----Petitioners

Versus

State Of Rajasthan,

----Respondent

For Petitioner(s)	:	Mr. Kapil Sharma Mr. Amol Vyas
For Respondent(s)	:	Mr. Rhishiraj Singh Rathore, PP with Mr. Gaurav Gupta, Assistant GA Mr. Amit Jindal

HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

11/02/2026

Issue notice to the respondents.

Mr. Rhishi Raj Singh Rathore, PP accepts notice on behalf of the respondent No.1-State. Mr. Amit Jindal, Adv. accepts notice on behalf of the respondent no.2. Hence, service is complete.

Learned counsel for the petitioners submits that dispute between the parties is purely commercial in nature which can be tried either by the National Company Law Tribunal or the competent Commercial Court having jurisdiction. He further submits that there was no dishonest or fraudulent intention on the part of the petitioners from the very inception. He further submits that the petitioner no.2 has been unnecessarily dragged in this matter because no commercial transaction took place between the complainant and her. He further submits that the alleged offence is triable by Judicial Magistrate First Class. The petitioners are ready to join the investigation, but the police is bent upon to

arrest the petitioners, therefore interim protection be granted to them.

Learned Public Prosecutor as well as counsel for the complainant have opposed the prayer for interim relief made by counsel for the petitioners.

Heard learned counsel for the parties.

Considering the fact that the offences alleged against the petitioners are triable by a Judicial Magistrate First Class and the petitioners are ready to join the investigation, it is directed that the petitioners -Tesu Chauhan & Col.Sardar Singh (Retd.) shall not be arrested in FIR No.0274/2025 registered at Police Station-Laxmangarh (Sikar) till the next date of hearing, provided they appear before the Investigating Officer on or before 17.02.2026 for interrogation.

Learned Public Prosecutor is directed to keep the case diary along-with investigation report ready on the next date of hearing.

List this case after two weeks.

(BHUWAN GOYAL),J