

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 10843/2022

Shimbhu Dayal S/o Shri Girraj Prasad Saini, R/o Dhani Pathak
Wali, Tan Gijgarh, Tehsil Sikrai, District Dausa.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Victim

-----Respondents

For Petitioner(s)	:	Mr. Ramavtar Gupta for Mr. Hari Krishana Sharma
For Respondent(s)	:	Mr. Gaurav Gupta, Asstt.GA with Ms. Neha Goyal Mr. Arvind Sharma

JUSTICE ANOOP KUMAR DHAND

Order

06/05/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.

2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long,

on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant criminal misc. petition, the validity of the impugned FIR No.592/2022 registered with the Police Station Sikandara, District Dausa for the offences under Sections 376(2)(n) and 506 IPC has been assailed.

4. Learned counsel for the petitioner submits that on account of family dispute between the parties, the instant FIR with false allegations has been lodged against the petitioner. Counsel submits that in-fact no such incident has occurred. Hence, interference of this Court is warranted.

5. *Per contra*, learned Public Prosecutor opposes the prayer and submits that after thorough investigation in the present matter, *prima facie* case was found to be proved against the petitioner for the above stated offences and charge-sheet has already been submitted against him on 05.04.2023 before the concerned Court. Hence, under these circumstances, interference of this Court is not warranted.

6. Heard and considered the submissions made at Bar and perused the material available on record.

7. Perusal of the allegations levelled in the impugned FIR reveals commission of cognizable offence. The correctness of the allegations cannot be examined or adjudged by this Court while exercising its inherent jurisdiction under Section 482 Cr.P.C. This Court cannot conduct fishing and roving inquiry to find out the truth behind the allegations levelled against the petitioner. Certainly, this task has been assigned to the Investigating Officer,

who has investigated the matter and has found *prima facie* case against the petitioner and submitted charge-sheet against him.

8. Considering the above facts and circumstances of the case, this Court deems it just and proper to dispose of the instant misc. petition granting liberty to the petitioner to take all the grounds and all available defences which have been taken before this Court, at the appropriate stage of the trial before the Trial Court.

9. With the aforesaid observations, the instant criminal misc. petition stands disposed of. The stay application as well as all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J