

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



S.B. Criminal Miscellaneous (Petition) No. 364/2026

Sh. Gauresh Kumar Gupta S/o Shriniwas Gupta, Aged About 71 Years, Chief Engineer (Retd.) Water Resources Dept. , Jaipur
Then Superitending Engineer (Quality Control), R/o 6-Ga-2, Jawahar Nagar, Jaipur (Rajasthan) 302004.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Rajesh Kumar Yadav, Then Asp, Acb, Bundi, Rajasthan.

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 7592/2023

M. K. Agrawal S/o Late Sh. Bahgwati Prasad Agrawal, Aged About 71 Years, R/o 36, Vidhyut Abhiyanta Colony, Hans Marg, Malviya Nagar, Jaipur

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

S.B. Criminal Miscellaneous (Petition) No. 8088/2023

Virendra Singh Meena S/o Sh. Makhan Lal, Aged About 49 Years, R/o A-277, Ramnagariya, Jda Scheme, Jagatpura, Jaipur.

-----Petitioner

Versus

State Of Rajasthan, Through P.p.

-----Respondent

S.B. Criminal Miscellaneous (Petition) No. 8089/2023

Rajkumar Shrimal S/o Late Sh. Rameshwar Prasad Shrimal, Aged About 53 Years, R/o C-441, Mahesh Nagar, Jaipur.

-----Petitioner

Versus

State Of Rajasthan, Through P.p.

-----Respondent

S.B. Criminal Miscellaneous (Petition) No. 4289/2024



Bhanu Kumar Jain S/o Late Sh. Poonam Chand Agarwal, Aged About 78 Years, R/o 1-K-26, Mahavir Nagar 3Rd, Kota.

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

S.B. Criminal Miscellaneous (Petition) No. 8255/2025

Rajendra Prasad Mathur S/o Late Bhavani Prasad Mathur, Aged About 74 Years, R/o 10-J-7, Mahaveer Nagar, Parijaat Colony, Kota, Rajasthan.

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

S.B. Criminal Miscellaneous (Petition) No. 27/2026

Pyare Lal Solanki S/o Late Shankar Lal, Aged About 71 Years, R/o 146, Dewali, Fatehapura, Udaipur, Rajasthan.

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Petitioner(s)	:	Mr. Jaswant Singh Rathore Mr. Aman Garg for Mr. S.S. Hora Mr. Sajid Ali Mr. Amit Saxena Mr. Akshat Saxena
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

27/01/2026

1. Learned counsel for the petitioners have submitted that approval for construction of dam named as Gararda Irrigation and

Drinking Water Project on Mangli River and Ganeshi Nala, near Holaspura village in Bundi district was began on 06.10.2003 and same was completed on 25.03.2010. However on 15.08.2010 when water was being filled in the dam for the first time, upon reaching the level of 291 meter the dam was damaged. Thereafter the State Government constituted a committee and on the basis of the report submitted by the committee, FIR was lodged. They further argued that the Report of the Committee shows that there were some manufacturing defects at the foundation level of the dam which was the sole reason for the damage. But none of the petitioners was posted at the relevant period in that project, when the foundation work was commenced and thereafter completed. The petitioners have joined the project when construction was much above the foundation level. Therefore, the petitioners are not responsible for any defect. Most of the petitioners have not been found guilty in the inquiry also.

2. Learned counsels again submitted that as per the report of the Water Resources Department dated 19.12.2025, the department itself has recommended not to issue the prosecution sanction against the present petitioners and matter may be closed, but now after the delay of around 15 years of lodging the FIR, the respondents are going to launch the prosecution against the present petitioners which is not legally tenable.

3. It is submitted that FIR registered in the year 2010 is required to be quashed for the principle reason that in the present matter most of the petitioners have retired and are in the age group of 70 to 76 years and two persons who are in service are

going to retire within two to three years and their promotional avenues are also going to be adversely effected.

4. In support of their contentions, learned counsel for the petitioners have relied on the following judgments:

**1. Mahendra Lal Das Vs. State of Bihar and ors.
(2002) 1 SCC 149,**

**2. Vijay Rajmohan Vs State represented by the
Inspector of Police (2023) 1 SCC 329,**

**3. Ramanand Chaudhary Vs. State of Bihar, AIR
1994 SC 948,**

5. Considering the above submissions, especially the inordinate and unexplained delay of 15 years in completing the investigation and the fact that most of the petitioners have been retired and are in the age bracket of 70-76 years, further proceedings pursuant to the proposed charge-sheet are stayed till further orders.

6. Issue notice to respondent No. 2 in Cr. Misc. Pet. No. 364/2026.

7. Rule is made returnable on the next date of hearing.

8. List these matters on 26.02.2026.

(PRAMIL KUMAR MATHUR),J