


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 490/2023

1. Deepak Yadav Son Of Shri Deshraj Yadav, R/o Raiwana, Tehsil- Neemrana, District Alwar, Rajasthan.
2. Pramod Dagur Son Of Shri Rajesh Sagar, R/o 161, UIT, Sector -5, Bhiwadi, District Alwar, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Director General Of Police, Rajasthan, Jaipur.
3. Commissioner Of Police, Police Commissionerate, Jaipur Rajasthan.
4. Deputy Commissioner Of Police, Jaipur East.
5. The Station House Officer Malpura Gate, District Jaipur East.
6. Juber Khan Son Of Din Mohammad, R/o 48, Sharda Colony, Jaisinghpura Khor, Jaipur City North.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 11132/2022

1. Jummal Khan Son Of Shri Jugru, Aged About 58 Years, R/o 27A, Jai Singh Nagar, Dehalli Baipass, Jaisinghpura Shekhawatan Jaipur.
2. Sameer Khan Son Of Jummal Khan, Aged About 25 Years, R/o 27A, Jai Singh Nagar, Dehalli Baipass, Jaisinghpura Shekhawatan Jaipur.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Director General Of Police, Rajasthan, Jaipur.
3. Commissioner Of Police, Police Commissionerate, Jaipur Rajasthan.
4. Deputy Commissioner Of Police, Jaipur East.
5. The Station House Officer, Police Station Malpura Gate, District Jaipur East.

6. Juber Khan Son Of Din Mohammad, R/o 48, Sharda Colony, Jaisinghpura Khor, Jaipur City North.

----Respondents

For Petitioner(s) : Mr. Sumer Singh Ola
Mr. Mohd. Shakir Khan (through VC)
For Respondent(s) : Mr. Narendra Singh Dhakar, PP

JUSTICE ANOOP KUMAR DHAND

Order

12/05/2026

1. S.B. Criminal Misc. (Petition) No.490/2023 has been submitted by the accused petitioners-Deepak Yadav and Pramod Dagur for quashing of FIR No.495/2022, registered with Police Station Malpura Gate, District Jaipur City (East) for the offences punishable under sections 143, 341, 323, 452, 379 and 384 IPC. While S.B. Criminal Misc. (Petition) No.11132/2022 has been submitted by the other co-accused Jummal Khan and Sameer Khan with the same prayer as aforesaid.

2. Learned counsel for the petitioners-Deepak Yadav and Pramod Dagur submits that the entire alleged incident was captured in a CCTV camera and presence of the petitioners-Deepak Yadav and Pramod Dagur was not found in the recording from the aforesaid CCTV camera. Counsel submits that the petitioners-Deepak Yadav and Pramod Dagur were not present at the scene of the alleged incident and they were present elsewhere. Counsel submits that the accused petitioner-Deepak Yadav is a student of M.Sc. Second Year and in-spite of the above, they have been falsely booked in the instant case. Counsel submits that a detailed representation was submitted by the

accused petitioners-Deepak Yadav and Pramod Dagur before the Police Commissioner for conducting fair and impartial investigation, but no heed was paid by him to the aforesaid representation. Counsel submits that under these circumstances, interference of this Court is warranted.

3. While the counsel appearing on behalf of the accused petitioners-Jummal Khan and Sameer Khan submits that in-fact no such incident has occurred and the accused petitioners-Jummal Khan and Sameer Khan have been falsely booked in the instant case with ulterior motive. Counsel further submits that the marriage of the daughters of the accused petitioner No.1 was solemnized with the complainant and his younger brother and they misbehaved and manhandled the petitioner's sister and daughter. Hence, a prayer has been made for quashing the impugned FIR and all the proceedings arising out of the same.

4. *Per contra*, learned Public Prosecutor opposes the prayer and submits that after investigation, *prima facie* case was found to be proved against all the petitioners, that is why, charge-sheet was submitted against them before the concerned Court on 03.11.2024. Hence, under these circumstances interference of this Court is not warranted.

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

6. Perusal of the record and the allegations levelled in the impugned FIR reveal commission of cognizable offence. Whether the petitioners have committed any offence or not, Whether the petitioners were present at the place of offence or not and whether the petitioners have been falsely booked with ulterior

motive or not. Such questions cannot be looked into by this Court and the correctness of the allegations also 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 petitioners. Certainly, this task has been assigned to the Investigating Officer, who has investigated the matter and has found *prima facie* case against all the petitioners and accordingly, submitted charge-sheet against them.

7. Considering the above facts and circumstances of the case, this Court deems it just and proper to dispose of both the instant criminal misc. petitions, granting liberty to the petitioners to take all the grounds and all available defence which have been taken before this Court, at the appropriate stage of the trial before the Trial Court.

8. With the aforesaid observations, both the instant criminal misc. petitions stand disposed of. Stay applications as well as all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J