

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 8036/2025

1. Smt Rukshmani Kumari W/o Lt. Shri Aditya Singh, Aged About 45 Years, R/o Flat No. 505, Prabhuraj Apartment, Parivahan Marg, P.s. Vidhyakpuri, District Jaipur (South).
2. Siddharth Singh Nathawat S/o Sh. Jitendra Singh, Aged About 48 Years, R/o Flat No. 505, Prabhuraj Apartment, Parivahan Marg, P.s. Vidhyakpuri, District Jaipur (South).

----Petitioners

Versus

1. The State Of Rajasthan, Through Public Prosecutor.
2. The Executive Magistrate And Additional Deputy Commissioner Of Police, (Headquarter), Jaipur South, District Jaipur.
3. Kapil Arora S/o Sh. Shyam Sundar Arora, Corresponding Address Flat No. 304 Prabhuraj Apartment, Parivahan Marg, P.s. Vidhyakpuri, District Jaipur (South).

----Respondents

For Petitioner(s)	:	Ms. Alankrita Sharma
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

13/03/2026

Learned counsel for the petitioners submits that on a mere apprehension that petitioners may cause a breach of peace, a report was submitted by SHO, P.S. Vidhayakpuri, District Jaipur (South), in light of the provisions under Sections 126/130 of the BNSS, 2023. Counsel submits that, on the basis of the said report, a notice dated 20.11.2025 was issued directing the petitioners to appear and show cause as to why they should not be directed to execute a bond of Rs. 10,000/- with one surety for maintaining

peace for a period of six months. Counsel further submits that a bare perusal of the said notice reveals that no independent opinion or satisfaction has been recorded by the concerned Executive Magistrate regarding the existence of sufficient grounds for initiating such proceedings. It is also contended that the notice under Section 132 of the BNSS has been issued in a mechanical manner, without due application of mind, and is therefore unsustainable in the eyes of law.

In view of above, issue notice to the respondents.

Learned State counsel accepts notice on behalf of respondent No.1. Copy of this petition has already been supplied in his office.

Let notice be issued to respondent No.3 only through both the process. Rule is made returnable within a period of six weeks.

Requisites be filed within a period of two weeks.

In the meantime, further proceedings in pursuance to the order dated 20.11.2025 issued by Executive Magistrate & Additional Deputy Commissioner of Police, District Jaipur (South) in Case No.3647/2025 shall remain stayed.

(ANIL KUMAR UPMAN),J