

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Criminal Miscellaneous (Petition) No. 8667/2024

Shyam Sunder Gupta Son Of Shri Om Prakash Gupta, Aged About 52
Years, R/o 2- Ta-01, Housing Board, Shahstri Nagar, Jaipur.
-----Petitioner

Versus

- 1. State Of Rajasthan, Through P.P.
 - 2. Station House Officer, P.S. Bhatta Basti, Jaipur City North.
 - 3. Dy. Commissioner Of Police, Jaipur City North.
 - 4. Anchal Awana Wife Of Shri Akhil Awana, R/o 2-Ka-Housing Board, Bhatta Basti, Jaipur City North.
- Respondents

For Petitioner(s)	:	Mr. Shri Ram Agrawal, Adv. with Mr. Raj Kumar Tongawat, Adv.
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE ASHUTOSH KUMAR
Order

07/01/2025

- 1. This criminal misc. petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No. 203/2024 registered at Police Station Bhatta Basti, Jaipur City North for the offence punishable under Section 354 IPC.
- 2. Learned counsel for the petitioner submits that the impugned FIR has been filed by respondent no.4 on false, fabricated and concocted story. He argues that Anshika Gupta, daughter of the petitioner runs a firm Omkara Construction Company. In the month of July, 2022, respondent no.4 borrowed Rs.20,00,000/- from Anshika Gupta and respondent no.4 issued a cheque of Rs.20,00,000/- in favour of daughter of the petitioner-Anshika Gupta. Learned counsel also argues that respondent No.4 failed to repay the loan for which a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act,



1881 (for short 'the N.I. Act') was filed by the company of daughter of the petitioner against respondent no.4 (Annexure-9) on 01.08.2023. On 13.09.2023, learned Special Metropolitan Magistrate (N.I. Act cases) No.1, Jaipur Metro-I has taken cognizance for the offence punishable under Section 138 of the N.I. Act against respondent no.4. Learned counsel submits that the criminal case is pending and after that the present FIR No.203/2024 has been lodged against the petitioner just to harass the petitioner and force him to compromise the matter.

3. Learned counsel further submits that this fact is very much evident from the report of SHO, Police Station Sindhi Camp, Jaipur (West) dated 04.07.2024 (Annexure-8). Learned counsel prays that now the police is going to arrest the petitioner on the false FIR, therefore, the petitioner be protected.

4. Learned Public Prosecutor accepts the notice on behalf of respondents no.1 to 3 and opposes the prayer made by learned counsel for the petitioner.

5. The matter requires consideration.

6. Let notice be issued to respondent no.4 by both modes i.e., ordinary process as well as by registered post, returnable within six weeks.

7. Requisites be filed within one week.

8. Petitioner is directed to join the investigation.

9. List this case after six weeks, till then, no coercive steps shall be taken against the petitioner.

10. It is made clear that if requisites are not filed within the stipulated period, then this order shall lose its efficacy.

(ASHUTOSH KUMAR),J