

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 8100/2025

1. Vinay Gupta Son Of Ramlal Gupta, Aged About 69 Years, Resident Of F-29, Hoj Khaas Enclave, New Delhi.
2. Varun Gupta Son Of Late Vinay Gupta, Director M/s Delta Factors India Private Ltd. Address F-29, Hoj Khaas Enclave, New Delhi.
3. Ajay Vinayak Son Of Sitaram, General Manager, Resident Of House No. 2010, Sector 20, Faridabad, Hariyana.

-----Petitioners

Versus

1. Triton Hotels And Resorts Pvt. Ltd., Through Its Authorized Representative Venkatesh Shenoy Son Of Ramdas Shenoy, Resident Of-H P 3 Riico Kukas, Jaipur And Sadhna Building, Devnarayan Bag, Mumbai, 88. Police Station Dev Nagar, At Present Resident Of 402, Abhinav Apartment, Vyas Marg, Rajapark, Police Station Jawahar Nagar, Jaipur (Raj).
2. State Of Rajasthan, Through PP

-----Respondents

For Petitioner(s)	:	Mr. Girish Khandelwal
For Respondent(s)	:	Mr. M.S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

16/03/2026

Learned counsel for the petitioners submits that from perusal of the FIR as well as evidence collected by Investigating Agency during the course of investigation, it appears that essentially there is civil dispute between the parties. It is submitted that perusal of FIR would show that there is averment in the FIR itself that complainant paid Rs.69,00,000/- against a supply of goods worth of Rs.78,00,000/- after holding 12% as retention amount. It is

submitted that said FIR was investigated by Investigating Agency and submitted negative final report observing that this case is purely of civil nature. Learned counsel contends that on being aggrieved by the submission of final report, a protest petition was filed by complainant-respondent No.2 whereupon learned trial Magistrate took cognizance against the petitioners for offence under Section 420 IPC and issued process. It is contended that cognizance order dated 30.11.2024 was assailed by the petitioners before the Revisional Court but said revision petition was also dismissed vide order dated 05.07.2025. It is contended that both the Courts below have committed error in initiating the criminal proceedings against the petitioners in the matter, which is essentially of civil nature.

Matter requires consideration.

Issue notice to the respondents.

Learned State counsel accepts notice on behalf of respondent No.2.

Let notice be issued to respondent No.1 through both the process. Rule is made returnable within a period of eight weeks.

Requisites be filed within a period of two weeks.

Meanwhile, there shall be stay on further proceedings pending before learned Additional Chief Judicial Magistrate No.9, Jaipur Metropolitan-II, Headquarter Amer.

(ANIL KUMAR UPMAN),J