

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

S.B. Criminal Miscellaneous (Petition) No. 7278/2018

Mahesh Kumar Dhabai S/o Shri Shankar Lal

----Petitioner

Versus

State Of Rajasthan Through Pp and another

----Respondents

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For Petitioner(s) : Mr. Surendra Sharma

For Respondent(s) : Mr. N.S. Dhakad, P.P.

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**HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA**

**/ Order**

**19/11/2018**

The learned counsel appearing for the petitioner contends that if the allegations levelled in the petition are taken at its face value, offence punishable under Section 495 I.P.C. only is made out. Counsel further contends that in view of the second marriage of the petitioner, the petitioner cannot be tried for offences punishable under Sections 420 and 498-A I.P.C. as marriage itself is void. Lastly, Counsel submits that offence punishable under Section 495 I.P.C. is non-cognizable and the impugned F.I.R. cannot be registered.

Issue notice to the respondents, for 21.01.2019.

Meanwhile, the further proceedings arising out of impugned F.I.R. shall remain stayed.

**(KANWALJIT SINGH AHLUWALIA),J**

ashok