HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2703/2022
CNR: RJHC020198992022 | URN: CRLMP / 4012U / 2022

Bhupendra Sharma S/o Shri Rupkishore Sharma, Aged About 27 Years, R/o Village Khijuri, Tehsil Rupwas, District Bharatpur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Victim, Aged About 43 Years, R/o

----Respondents

For Petitioner(s)	:	Mr. Rajesh Kumar Bhardwaj Mr. B.S. Chouhan Mr. Saurabh Pratap Singh Mr. Ritul Sharma Mr. Nimesh Sultan Mr. Saimal Gurjar
For Respondent(s)	:	Mr. Gaurav Gupta-PP Mr. Raghunandan Sharma Ms. Manasvita Sharma Mr. Ayush Bishnoi Ms. Kritika Rajawat

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JUSTICE ANOOP KUMAR DHAND

Order

28/10/2026

1. The instant criminal misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder,

rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.

2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long, on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant criminal misc. petition, a prayer has been made for quashing the impugned FIR No. 965/2021, registered with the Police Station Mathuragate, District Bharatpur for the offences punishable under Sections 420 and 376 IPC.

4. Counsel for the petitioner submits that the complainant is a Police Constable whereas, the petitioner is an astrologer and both of the know each other very well. Counsel submits that the petitioner bought the subject property from one Ramesh Kumar after paying the full consideration amount. However, the complainant was interested in getting the subject property as well, hence, the sale deed was executed in her favour, and in fact the maxium amount of sale consideration was paid by the petitioner after lending money to the complainant. Counsel submits that at a later point of time, the complainant executed an agreement to sell the subject property in favour of the petitioner. But since the registered sale deed was never executed, inspite of receiving the consideration amount, hence, the petitioner asked her to register the sale deed. Subsequently, the complainant lodged the impugned FIR based on vague and false allegations, and sold the subject property to one Tinku Singh. Counsel submits that there is a civil dispute between the parties, which has been given the

colour of criminal case by levelling a false allegations against the petitioner. Hence, the impugned FIR is liable to be quashed.

5. Per contra, learned Public Prosecutor as well as counsel for the complainant opposed the arguments raised by counsel for the petitioner and submitted that there exists no civil dispute between the parties. Had it been the case that the complainant has sold the subject property to the petitioner by an agreement to sale, he could have filed a suit for specific performance, but he has not done so. Counsel submitted that the complainant was sexually exploited by the petitioner by committing rape upon her. Counsel submitted that under these circumstances, interference of this Court is not warranted and the instant misc. petition is liable to be rejected.

6. Heard and considered the submissions made at bar and perused the material available on record.

7. The case set out in the impugned FIR reveals the commission of a cognizable offence and the correctness of the allegations cannot be examined and adjudicated by this Court while exercising its inherent jurisdiction under Section 482 Cr.P.C. At this stage, this Court is not supposed to conduct a mini trial or a fishing and roving inquiry to find out the truth behind the allegations levelled in the impugned FIR against the accused. Certainly, this task has been assigned to the Investigating Officer.

8. Looking to the fact that the matter is still pending for investigation, this Court deems it just and proper to dispose of the instant criminal misc. petition, granting liberty to the petitioner to submit a representation along with documents in support thereof before the Investigating Officer, who shall examine the same

strictly in accordance with law and thereafter, submit the conclusion report of investigation under Section 173 Cr.P.C. before the concerned Court.

9 Looking to the fact that an interim order is operating in favour of the petitioner since the date of filing of the instant misc. petition, the Investigating Officer is directed to issue at least fifteen days notice to the petitioner in case, his arrest is required for custodial investigation.

10. With the aforesaid observations, the instant criminal misc. petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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