HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2545/2022
CNR: RJHC020203952022 | URN: CRLMP / 3685U / 2022

Jitendra Son of Man Singh, aged about 32 Years, R/o Mali Mohalla, Surajpole, Bharatpur.

----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Anamika @ Radhika Wife of Jitendra D/o Brijendra Saini, R/o Chawand Ka Nagla (Rampura), P.S. Kathumar District Alwar.

----Respondents

For Petitioner(s)	:	Mr. Abhinav Gupta
For Respondent(s)	:	Mr. Gaurav Gupta-PP Mr. Sapan Soni Mr. Bantoo Mali for Mr. N.K. Singhal

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JUSTICE ANOOP KUMAR DHAND

Order

26/10/2026

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. 295/2021 registered with the Police Station Kathumar, District Alwar for the offences punishable under Sections 498A, 406 and 376 IPC.

4. Learned counsel for the petitioner submits that the matrimonial life of the petitioner with the complainant could not pull on well, hence, they agreed to dissolve their marriage by entering into a compromise before the concerned Panchyat with certain terms and conditions. Counsel submits that the settlement was arrived at on 18.07.2021 wherein it was agreed that the petitioner would pay a sum of Rs. 10,51,000/- to the complainant and the same was deposited by the petitioner with the Panchayat on 23.07.2021. Counsel submits that in spite of depositing the aforesaid amount, the complainant willfully did not receive the same. Thereafter, the petitioner sent a legal notice to the complainant on 06.08.2021 and in counterblast to the same, the impugned FIR has been registered by the complainant on 17.08.2021 by concocting a false story. Counsel submits that the brother of the petitioner was also implicated with allegations of rape, but the said offence was not found to be proved during the course of investigation twice. Counsel submits that bare perusal of the impugned FIR reveals that no commission of cognizable

offence is made out, but in spite of the above, the police has submitted charge-sheet against the petitioner under Sections 498A and 406 IPC. In view of the submissions made herein-above, the impugned FIR and the entire proceedings arising out of the same be quashed and set aside.

5. Per contra, learned Public Prosecutor as well as counsel for the complainant oppose the prayer and submits that compromise was never signed by the complainant, but the same was signed by the father of the complainant under pressure from petitioner's family. Counsel further submits that cognizable offence is made out against the petitioner. Hence, interference of this Court is not warranted and the instant 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. The arguments put forward by learned counsel for the petitioner would be better appreciated by the trial Court at the appropriate stage of the trial.

8. Considering the overall facts and circumstances of the case, the instant criminal misc. petition stands disposed of, granting liberty to the petitioner to take all available defences which have been taken before this Court at the appropriate stage of the trial before the Trial Court.

9. 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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