HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 4136/2026
CNR: RJHC010501902026 | URN: CRLMP / 7447U / 2026

Pravinder Singh S/o Sh. Balwant Singh, Aged About 46 Years, Resident Of Chak 37 R.b., Tehsil Padampur, District Sri Ganganagar Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through PP.
2. Navdeep Kaur W/o Sh. Balpreet Singh Jatsikh, Aged About 29 Years, D/o Shri Darshan Singh, Aged About 29 Years, Resident Of Chak 37 R.b., Tehsil Padampur, District Sri Ganganagar At Present Resident Of 06 Bb, Tehsil Padampur, District Sri Ganganagar Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Trilok Joshi Mr. Keshav Pareek
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. D.S. Gharsana for respondent No.2

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/08/2026

This criminal misc. petition under Section 528 BNSS has been filed by the petitioner for quashing of the FIR No.117/2026, registered at Police Station Padampur, District Sriganganagar, for the offences under Sections 316(2) of BNS.

Heard learned counsel for the parties at bar. Perused the material as made available to this Court and gone through the niceties of the matter.

Having perused the impugned FIR, this Court *prima facie* finds that the offences alleged to have been committed by the

petitioner are either triable by a Court of Magistrate or do not contain the maximum imprisonment of more than seven years, and keeping in mind the provisions contained in Section 35 BNSS (Section 41, 41-A Cr.P.C.) as well as the judgment passed by the Hon'ble Supreme Court in the case of ***Arnesh Kumar vs. State of Bihar,*** reported in ***AIR 2014 SC 2756,*** the dictum of which squarely applies *mutatis mutandis* to the present case, it is directed that in case, the arrest of the petitioner is found to be absolutely necessary by the Investigating Agencies, instead of affecting the arrest of the petitioner at once, a prior notice of 20 days shall be given to him so that he may exercise his legitimate rights. Needless to say that the petitioner is not precluded from raising his grievance before the trial Court.

With the aforesaid direction, the misc. petition filed under Section 528 BNSS (482 Cr.P.C.) as well as stay application are disposed of.

(KULDEEP MATHUR),J

84/Dinesh Suthar