HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 6721/2026
CNR: RJHC010773602026 | URN: CRLMP / 11826U / 2026

1. Mulki W/o Sh. Jawari Lal, Aged About 45 Years, R/o Tankla, Khinvsar, District Nagaur Raj.
2. Prajapati Jawari Lal Lakha Ram S/o Shri Lakha Ram, Aged About 48 Years, R/o Taakla, Khinvsar, District Nagaur Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Smt. Ragini W/o Prem Chand, Aged About 26 Years, R/o 2-G-30, Chopasani Housing Board, Jodhpur City-West Raj.
3. Anand Solanki S/o Iyal Kumar, Aged About 25 Years, R/o Plot No. 98-C, Rajeev Nagar, Mahamandir, District Jodhpur.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 5297/2026
CNR: RJHC010623712026 | URN: CRLMP / 9498U / 2026

Prem Chand S/o Jawari Lal, Aged About 27 Years, R/o Tankla, Khinvsar, District Nagaur Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Smt Ragini W/o Prem Chand, Aged About 26 Years, R/o 2-G-30, Chopasani Housing Board, Jodhpur City West Raj.
3. Anand Solanki S/o Iyal Kumar, Aged About 25 Years, R/o Plot No. 98-C, Rajeev Nagar, Mahamandir,district Jodhpur.

----Respondents

For Petitioner(s) : Mr. Vijay Bishnoi
Mr. Mahaveer

For Respondent(s) : Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

06/08/2026

These criminal misc. petitions under Section 528 BNSS have been filed by the petitioners for quashing of the FIR No.70/2026, registered at Police Station Mahila Thana Jodhpur City West, District Jodhpur City West for the offences under Sections 85, 115(2), 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 matters.

Having perused the impugned FIR, this Court *prima facie* finds that the offences alleged to have been committed by the petitioners 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 petitioners is found to be absolutely necessary by the Investigating Agencies, instead of affecting the arrest of the petitioners at once, a prior notice of one month shall be given to them so that they may exercise their legitimate rights. Needless to say that the petitioners are not precluded from raising their grievance before the trial Court/High Court.

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

(KULDEEP MATHUR),J

239/Himanshu Singh