HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 6822/2026
CNR: RJHC010744262026 | URN: CRLMP / 11985U / 2026

Vijay Lal Jain S/o Late Shri Gamer Lal Jain, Aged About 62 Years, 50, Thakur Ji Temple, Main Road, Savina, Police Station Savina, Udaipur Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Shri Jitendra Menaria S/o Jagdish Chandra, Aged About 42 Years, Paneriyo Ki Madri Se. 06, Hiranmagri, District-Udaipur, Rajasthan

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 6113/2026
CNR: RJHC010715892026 | URN: CRLMP / 10809U / 2026

1. Shanti Lal Jain S/o Kanhaiya Lal, Aged About 60 Years, R/o 4-A, Adarsh Colony, Pulla, Shastri Circle, Udaipur, District Udaipur.
2. Sugan Singh S/o Narayan Singh, Aged About 55 Years, R/o 378, Neemach Kheda, Dewali, Girwa, District Udaipur.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp.
2. Jitendra Menariya S/o Jagdish Chandra, R/o Paneriyo Ki Madri, 06, Hiran Magri, District Udaipur Raj.

----Respondents

For Petitioner(s)	:	Mr. Naman Mohnot Mr. Jagatveer Singh Deora
For Respondent(s)	:	Mr. Pawan Kumar Bhati, PP Mr. Rahul Sharma Mr. Vinod Rajpurohit

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HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/08/2026

These criminal misc. petitions under Section 528 BNSS have been filed by the petitioners for quashing of the FIR No.215/2026,

registered at Police Station Hiranmagri, District Udaipur, for the offences under Sections 61(2), 316(2) and 318(4) 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 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 20 days 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.

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

(KULDEEP MATHUR),J

35/Divya Raj Jasmatiya