**HIGH COURT OF JUDICATURE FOR RAJASTHAN**
**AT JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 6805/2026
CNR: RJHC010784212026 | URN: CRLMP / 11961U / 2026

Manjeet Singh Bidawat S/o Ramniwas Bidawat, Aged About 25 Years, R/o Bidawato Ka Mohalla, Village And Post Dangawas, District Nagaur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Bofaram S/o Shri Ghewar Ram, R/o Village Jhintiyaa, Tehsil Riyan Badi, District Nagaur, Rajasthan.

----Respondents

---

| | | |
|---|---|---|
| For Petitioner(s) | : | Mr. Deepak Nehraa |
| For Respondent(s) | : | Mr. Prem Singh Panwar, PP |

---

**HON'BLE MR. JUSTICE KULDEEP MATHUR**

**Order**

**10/08/2026**

By way of filing the present criminal misc. petition, the petitioner has prayed for the following reliefs:-

> *"It is therefore most respectfully prayed that this Criminal Misc petition may kindly be allowed and by an appropriate Petition, order or direction:-*
> *(i) The respondents may be directed to complete the investigation from the petitioner (if any) and allow the petitioner to operate his bank account on provisional basis without any interruption.*
> *(ii) The respondents bank may be directed to de-account bank freeze the saving (918010030818317 AND IFSC No. CODE-UTIB0003668) and (5212780801 AND IFSC CODE-KKBK0003636 AND SAVING BANK ACCOUNT NO.5212780801 AND IFSC CODE-KKBK0001349) allow the petitioner to operate his account and use his own amount deposited in the bank.*
> *(iii) The respondents bank may be directed to BLOCKED THE SBI CARD PULSE BANK ACCOUNT NO. 5554 4789 0761 5519 and allow the petitioner to operate his account and use his own amount deposited in the bank.*

*(iv) The respondents may be directed to pay compensation at least Rs.2,00,000/-(Rupees two Lakh) to the petitioner on account of the hardships being suffered by the petitioner due to non-operation of his bank account.*
*(v) Any other appropriate order which this Hon'ble Court deems fit and proper in the facts and circumstances of the case, may also kindly be passed in favor of the petitioner."*

2. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that, in the impugned FIR, the complainant has alleged that on 15.01.2026, while he was driving Bus No.4562 carrying passengers, the accused persons suddenly intercepted the bus near Majisa Travel Office and forcibly pulled him out of the bus. It is further alleged that the accused persons assaulted him with fists and kicks and also hurled casteist slurs at him. The accused persons are also alleged to have snatched a sum of Rs.4,200/- kept in the complainant's pocket.

3. In the opinion of this Court, the allegations contained in the FIR *prima facie* disclose commission of cognizable offences. As per the factual report placed on record by learned Public Prosecutor, the Investigating Agency has also found material substantiating the allegations levelled against the petitioners. Since the FIR *prima facie* discloses commission of cognizable offences, no case for quashing of the FIR is made out at this stage.

4. While exercising jurisdiction under Section 528 of the BNSS, this Court cannot undertake a meticulous examination of the correctness or otherwise of the allegations levelled against the petitioners. At this stage, the Court is neither expected to undertake a detailed scrutiny of the entire material collected during investigation nor to record any conclusive finding with regard to the merits of the allegations. The questions relating to

the truthfulness of the allegations and the evidentiary value of the material collected during investigation are matters to be considered at the appropriate stage.

5. Hon'ble the Supreme Court of India in the case of **State of Haryana vs. Bhajan Lal & Ors.** reported in **1992 Supp. (1) SCC 335**, has illustrated the situations wherein, the extraordinary powers under Article 226 of the Constitution of India or the inherent powers under Section 482 Cr.P.C. (528 BNSS) can be exercised by the High Court either to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Hon'ble the Supreme Court illustrated as under:-

> *"(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;*
>
> *(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;*
>
> *(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose 265 the commission of any offence and make out a case against the accused;*
>
> *(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;*
>
> *(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;*
>
> *(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to*

*the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;*

*(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

6. In the case of ***Neeharika Infrastructure Pvt Ltd. vs. State of Maharashtra & Ors.*** reported in (2021) 19 SCC 401, the Hon'ble Apex Court has held as under:-

*"(i) Where it manifestly appears that there is a legal bar against the institution or continuance of the criminal proceeding in respect of the offence alleged. Absence of the requisite sanction may, for instance, furnish cases under this category.*

*(ii) Where the allegations in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety, do not constitute the offence alleged; in such cases no question of appreciating evidence arises; it is a matter merely of looking at the complaint or the first information report to decide whether the offence alleged is disclosed or not.*

*(iii) Where the allegations made against the accused person do constitute an offence alleged but there is either no legal evidence adduced in support of the case or the evidence adduced clearly or manifestly fails to prove the charge. In dealing with this class of cases it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is manifestly and clearly inconsistent with the accusation made and cases where there is legal evidence which on its appreciation may or may not support the accusation in question. In exercising its jurisdiction under Section 561-A the High Court would not embark upon an enquiry as to whether the evidence in question is reliable or not. That is the function of the trial Magistrate, and ordinarily it would not be open to any party to invoke the High Court's inherent jurisdiction and contend that on a reasonable*

*appreciation of the evidence the accusation made against the accused would not be sustained."*

7. In view of aforesaid discussion and since the contents of the FIR *prima facie* disclose commission of the cognizable offences; taking into consideration the precedent law, this Court does not find any of the aforesaid conditions to be *prima facie* fulfilled in the present case and thus, this Court is not inclined to exercise the powers vested in it under Section 528 of BNSS for quashing the FIR in question qua the petitioners.

8. Accordingly, the criminal misc. petition as well as stay application stand dismissed.

(KULDEEP MATHUR),J

16/Divya Raj Jasmatiya