



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

S.B. Criminal Miscellaneous (Petition) No. 5/2026
CNR: RJHC011179792025 | URN: CRLMP / 8U / 2026

- 1. Sachin S/o Prahlad, Aged About 20 Years, R/o Ward No. 6, Bhadra, District Hanumangarh, Rajasthan.
- 2. Rahul S/o Sushil Swami, Aged About 20 Years, R/o Ward No. 6, Bhadra, District Hanumangarh, Rajasthan.
- 3. Sahil S/o Sushil Swami, Aged About 22 Years, R/o Ward No. 6, Bhadra, District Hanumangarh, Rajasthan.

-----Petitioners

Versus

- 1. State Of Rajasthan, Through Pp
- 2. Surender S/o Vijay Singh Goswami, R/o Ward No. 40, Jhorar Pura Bas, Tehsil Bhadra, District Hamumangarh (Raj)

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 7950/2022
CNR: RJHC010803652022 | URN: CRLMP / 18300U / 2022

Sanjay S/o Hemraj, Aged About 35 Years, Near Panchmukhi Balaji Temple, Sanjay Chowk Bhadra Dist. Hanumangarh, Raj.

-----Petitioner

Versus

- 1. State Of Rajasthan, Through Pp
- 2. Surendra Kumar S/o Vijay Singh, W.no. 40, Jhorar Pura Bas, Town Bhadra Dist. Hanumangarh.

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 8714/2022
CNR: RJHC010862352022 | URN: CRLMP / 19664U / 2022

- 1. Dalip S/o Shri Ved Prakash Swami, Aged About 42 Years, R/o Hathipura Bas 7 Bhyd Dhani Tehsil Bhadra Dist. Hanumangarh
- 2. Sushil S/o Shri Ved Prakash Swami, Aged About 43 Years, R/o Hathipura Bas 7 Bhyd Dhani Tehsil Bhadra Dist. Hanumangarh

-----Petitioners



Versus

1. State Of Rajasthan, Through Pp
2. Surendra Kumar S/o Vijay Singh, R/o Ward No. 40 Jhorar Pura Bas Town Bhadra Dist. Hanumangarh Raj.

-----Respondents

For Petitioner(s)	:	Mr. Moti Singh Mr. Tirupati Chandra
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. Amit Kumar Mr. Sandeep Godara Mr. Subhash Chandra, RPS C.O., Bhadra, Hanumangarh

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

10/08/2026

By way of filing the present criminal misc. petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), the petitioners have prayed for quashing of FIR No.512/2022 registered at Police Station Bhadra, District Hanumangarh, for the offences punishable under Sections 419, 365, 382, 323 and 143 of the Indian Penal Code.

Learned counsel for the petitioners submits that the complainant, Surendra S/o Vijay Singh, lodged a written report at Police Station Bhadra alleging, inter alia, that on 08.11.2022, while he was returning to his home on his motorbike through Rajgarh Bypass, two unknown persons followed him on a motorbike and threw chilli powder into his eyes. Thereafter, a car carrying six persons, including Dilip, Ramesh and Sushil Swami, arrived at the spot. The persons sitting in the car forcibly dragged

the complainant into the car and assaulted him. Thereafter, he was taken to a nearby field, where he was again brutally beaten.

It is further alleged that one of the accused persons, namely Ramesh S/o Hemraj Rajpurohit, was wearing police uniform at the time of the incident, whereas Dilip, who was carrying a gun and live cartridges, took photographs of the complainant while pointing the weapon at him and threatened to implicate him in a false criminal case.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is contended that the petitioners, namely Sachin and Sanjay, have not even been named in the FIR and there is no material on record to establish their presence at the place of occurrence or any motive on their part to commit the alleged offence. It is further submitted that no fruitful purpose would be served by arresting the petitioners in connection with an FIR lodged as far back as in the year 2022 and that continuation of the investigation against them would amount to an abuse of the process of law. It is, therefore, prayed that the impugned FIR, qua the petitioners, may be quashed.

Per contra, learned Public Prosecutor, who is present before this Court along with the Investigating Officer and the case diary, submits that the complainant was medically examined after the incident and was found to have sustained several injuries. Learned Public Prosecutor further submits that although the complainant had disclosed the names of only some of the persons involved in the incident, during the course of investigation, the police have collected call-location details and other relevant material

pertaining to the mobile numbers of the accused persons, which *prima facie* indicate the presence of the petitioners at the place of occurrence and their involvement in the alleged conspiracy to commit the crime.

Heard.

This Court has perused the case diary and the material collected during investigation. The material available on record *prima facie* indicates the presence of the petitioners at or around the place of occurrence and their alleged involvement in the commission of the offences in question.

Merely because the petitioners were not named in the FIR, it cannot, by itself, be a ground to conclude that the police are precluded from investigating their role in the commission of the alleged offences. The question as to whether the material collected during investigation is sufficient to establish their involvement is a matter which would fall for consideration at the appropriate stage and cannot be adjudicated upon in exercise of the jurisdiction under Section 528 of the BNSS.

In the opinion of this Court, the allegations contained in the FIR *prima facie* disclose commission of cognizable offences. Therefore, no case for quashing of the FIR, at this stage, is made out.

It is well settled that while exercising the inherent jurisdiction under Section 528 of the BNSS, this Court is not required to undertake a meticulous examination of the allegations or appreciation of the evidence collected during investigation. At this stage, the Court is not expected either to scrutinize the entire material available on record as if conducting a trial or to record

any conclusive finding with regard to the guilt or innocence of the accused.

The Hon'ble Supreme Court, in the case of the case of **"State of Haryana & Ors. v. Bhajan Lal & Ors."**, reported in **1992 Supp (1) SCC 335**, has illustratively laid down the categories of cases in which the extraordinary powers under Article 226 of the Constitution of India or the inherent powers under Section 482 Cr.P.C. may be exercised by the High Court, inter alia, to prevent abuse of the process of law or otherwise to secure the ends of justice. The relevant categories are 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 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*

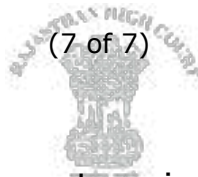
or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

- (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."*

Further, in ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra & Ors., reported in (2021) 19 SCC 401***, the Hon'ble Supreme Court reiterated the settled principles governing exercise of the inherent jurisdiction of the High Court in matters concerning quashing of an FIR. The Court, inter alia, observed that where the allegations in the FIR disclose commission of a cognizable offence, the High Court ordinarily should not stifle a legitimate investigation at its inception and should exercise its inherent powers sparingly and with circumspection.

In the present case, the allegations contained in the FIR, read with the material collected during investigation, *prima facie* disclose commission of cognizable offences. The case diary also contains material which, at this stage, cannot be said to be wholly irrelevant or incapable of forming the basis of investigation against the petitioners. The petitioners have failed to demonstrate that the present case falls within any of the categories enumerated in ***Bhajan Lal (supra)*** warranting interference with the investigation at this stage.

Consequently, this Court is not inclined to exercise the inherent jurisdiction vested in it under Section 528 of the BNSS for quashing the FIR in question qua the petitioners.



Accordingly, the present criminal misc. petitions are dismissed. The stay applications also stand dismissed.

It is, however, clarified that the observations made hereinabove are confined solely to the consideration of the prayer for quashing of the FIR at the present stage and shall not be construed as an expression of opinion on the merits of the case or the guilt or innocence of the petitioners.

(KULDEEP MATHUR),J