


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1556/2025

Jyoti Paras Wife Of Kailash Paras, Aged About 53 Years, Resident Of Gagjivanram Colony, Baran, Police Station, Kotwali Baran, District Baran (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Tejas Suman Son Of Mohan Lal, Aged About 30 Years, Resident Of Lanka Colony, Baran, Police Station, Kotwali Baran, District Baran (Rajasthan).

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 552/2025

Rinkle Gupta Wife Of Nihil Agrawal, Aged About 44 Years, Resident Of Jawahar Nagar, Kota, District Kota (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Tejas Suman Son Of Mohan Lal, Aged About 30 Years, Resident Of Lanka Colony, Baran, Police Station, Kotwali Baran, District Baran (Rajasthan).

----Respondents

For Petitioner(s)	:	Mr.Rajneesh Gupta with Mr.Heramb Saraswat Mr.Shiv Kumar Sharma Mr.Bhanu Pratap Saini
For Respondent(s)	:	Mr.MS Shekhawat, P.P. with Mr.Omendra Singh Shekhawat, RPS, C.O. Baran, District Baran
		Ms.Sweta Soni for Mr.Manish Gupta – for complainant

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

RESERVED ON :: 24/07/2025

PRONOUNCED ON :: 16/09/2025

1. The present petitions are filed with the following prayer:-

“It is, therefore, prayed that your Lordships may be pleased to accept and allow this criminal miscellaneous petition, may kindly quash and set-aside and the impugned F.I.R. No.12/2025 registered

at Police Station, Kotwali Baran, District Baran and all subsequent investigation.

Such other order or direction which this Hon'ble court may deem fit and proper, in the facts and circumstances of the case, may also be passed in favour of humble petitioner."

2. Brief facts of the instant matter are that the private respondent has lodged FIR No. 509/2024 on 28.06.2024 against the petitioners under Sections 420, 409, 467, 468, 471, 408, 379, 201 and 120-B of IPC alleging that the petitioners had issued *pattas'* in a fraudulent manner. Thereafter, on 06.01.2025 another FIR No. 12/2025 at Police Station Kotwali Baran, District Baran was lodged under sections 420, 409, 467, 468, 471, 201, 506 and 120-B of IPC.

3. In this background, learned counsel for the petitioners had submitted that the said *pattas'* were issued on account of the report submitted by the junior engineer. However, the said mistake of issuing *pattas'* was ratified. It was further submitted that despite every possible endeavor by the petitioners the *pattas'* got registered in the back date by forging signatures of the concerned person.

4. Additionally, it was submitted that the petitioner had filed **SB Criminal Bail Application No.16241/2024** titled as **Jyoti Paras Vs. State of Rajasthan**, and submitted that co-accused in the instant matter on akin factual matrix was enlarged on bail vis-a-vis **SB Criminal Misc. Bail Application No.12498/2024** titled as **Rinkle Gupta Vs. State of Rajasthan**. It is further submitted that Co-ordinate Bench of this Court vide order dated 03.01.2025 passed in SBCWP No. 16241/2024 (**supra**) directed

the petitioner to join investigation. Despite the judicial intervention a subsequent FIR bearing No. 12/2025 was lodged on 06.01.2025 by the private respondent with ulterior motives to prevent petitioner from joining the investigation.

5. From the aforementioned it can be deduced that the impugned FIRs were lodged as a sheer attempt to cause distress to the petitioners. Moreover, the said action of the private respondent results into double jeopardy qua the petitioners. Thence, the fundamental rights of the petitioners is being violated. Lastly, learned counsel had relied upon the judgment of the Apex Court in the case of **Tarak Das Mukharjee & Ors. Vs. State of Uttar Pradesh & Ors.: 2022 Supreme (SC) 1293.**

6. *Per contra*, learned counsel for the respondents had submitted that subsequent FIR was lodged alleging that the petitioners along with co-accused conspired and usurped 1500 square feet vacant plot of approximately 1.5 crore of the government by making a fake lease. Moreover, the said plot was not auctioned as per the Rules but was fraudulently usurped from the scheme by fraudulently charging a meager amount of Rs. 28/- per square ft. instead of Rs. 10,000/- per sq. ft., thereby committing fraud and embezzlement qua government money. Therefore, it cannot be said that both the FIRs are lodged with akin narratives.

7. Heard and considered.

8. Considering the submissions made by the learned counsel for the parties and upon assiduous perusal of the material available on record, this Court has made the following observations: -

8.1 That in the instant matter two FIRs are lodged and upon perusal of the contents of the FIRs, it is noted that initial FIR pertains to allegation qua granting of *pattas* in a fraudulent manner, whereas subsequent FIR pertains to allegations qua fraud including embezzlement of government money.

8.2 That investigation in both the FIRs is pending.

8.3. That instant matter involves elements of public fraud, whereby loss is caused to the State revenue.

9. Taking note of the aforementioned, this Court while exercising its jurisdiction under Section 528 of BNSs cannot conduct a mini-trial and evaluate the merits or demerits of the case; nevertheless disputed question of facts cannot be intervened with by this Court at this juncture. In this regard, reliance is placed upon **R.P. Kapur Vs. State of Punjab: AIR 1960 SC 866, State of Haryana and Ors. Bhajan Lal and Ors. :1992 Supp (1) SCC 335, Trisuns Chemical Industry Vs. Rajesh Agarwal and Ors. (1999) 8 SCC 686, M. Krishnan Vs. Vijay Singh and Anr.:(2001) 8 SCC 645, Joseph Salvaraj A. Vs. State of Gujarat and Ors.:(2011) 7 SCC 59, Anand Bhandari Vs. State of Uttar Pradesh and Ors.:(2013) 2 SCC 801 and M/s Neeharika Infrastructure Private Limited v. State of Maharashtra; AIR 2021 SUPREME COURT 1918.**

10. Accordingly, the present petitions are dismissed. No orders as to cost. Pending applications, if any, shall stand disposed of.

(SAMEER JAIN),J