Rajasthan High Court
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 9090/2026

CNR: RJHC010968212026 | URN: CRLMP / 15338U / 2026

1 Santosh Bansal W/o Ganesh Raj Bansal, Aged About 60 Years, Residents Of I/273, Ward No.01, Civil Lines, Hanumangarh, Rajasthan
2 Ganesh Raj Bansal S/o Late Shri Ram Prasad Bansal, Aged About 60 Years, Residents Of I/273, Ward No.01, Civil Lines, Hanumangarh, Rajasthan
3 Vandana Jain W/o Subdher Jain, Aged About 39 Years, Resident Of House No. 258, Model Town, Ratia, Fatehabad Harayana.

----Petitioners

Versus

1 State Of Rajasthan, Through The Public Prosecutor
2 Sandeep Soni S/o Shri Ratan Lal Soni, Resident Of Ward No.25, Sindhi Mohalla, Hanumangarh Town, Tehsil And District Hanumangarh, Rajasthan

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 9089/2026

CNR: RJHC010968172026 | URN: CRLMP / 15334U / 2026

1 Santosh Bansal W/o Ganesh Raj Bansal, Aged About 60 Years, Residents Of I/273, Ward No.01, Civil Lines, Hanumangarh, Rajasthan
2 Ganesh Raj Bansal S/o Late Shri Ram Prasad Bansal, Aged About 60 Years, Residents Of I/273, Ward No.01, Civil Lines, Hanumangarh, Rajasthan
3 Vandana Jain W/o Subdher Jain, Aged About 39 Years, Resident Of House No. 258, Model Town, Ratia, Fatehabad Harayana.

----Petitioners

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Versus

1 State Of Rajasthan, Through The Public Prosecutor

2 Sandeep Soni S/o Shri Ratan Lal Soni, Resident Of Ward No.25, Sindhi Mohalla, Hanumangarh Town, Tehsil And District Hanumangarh, Rajasthan

----Respondents

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For Petitioner(s)	:	Mr. Kunal Upadhyay Mr. Vinod Sharma
For Respondent(s)	:	Mr. Deepak Choudhary, AAG with Mr. Narendra Gehlot, PP Mr. Neeraj K. Gurjar Mr. Satpal Singh, Additional S.P. (CID & CB) Range Call- Bikaner

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Judgment

29/09/2026

1	Date of conclusion of arguments	23.09.2026
2	Date on which the order was reserved	23.09.2026
3	Whether the full order or only the operative part is pronounced	Full order
4	Date of pronouncement	29.09.2026

1. These two Misc. Petitions under Section 528 of BNSS is filed in FIR No. 625/2026 dated 18.09.2026 and FIR No. 624/2026 dated 17.09.2026 registered at Police Station Hanumangarh Junction, District Hanumangarh for offence under Sections 420, 467, 468, 471 and 120-B of IPC.

2. Learned counsel for the petitioners, while placing reliance upon grounds mentioned in the miscellaneous petitions, has submitted that the petitioners are politically active individuals and petitioner Nos. 1 and 2 have contested the elections and remained as elected public

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representatives. He also submitted that petitioner No. 2, Ganesh Raj Bansal, is a sitting MLA, (Member of Legislative Assembly of Rajasthan), whereas petitioner No. 1, Santosh Bansal, who is the wife of petitioner No. 2, has remained as Chairperson of Municipality. He also submitted that petitioner No. 3 is the daughter of petitioner Nos. 1 and 2 and, after marriage, she is residing in another State. He also submitted that petitioner No. 2, Ganesh Raj Bansal, neither remained as Chairperson, nor corporator in year 2003. He also submitted that petitioner No. 2, Ganesh Raj Bansal, never worked in the capcity of the chairperson or official incharge of Nagar Parishad in year 2003. He also submitted that these criminal cases were registered after 23 years in a clandestine manner so as to frame the petitioners in a false and manipulated criminal cases.

3. Learned counsel for the petitioners has further submitted that, in recent municipality elections, 35 candidates supporting petitioner No. 2 have won as Corporators, out of total strength of 60 in Hanumangarh Town. He also submitted that, to pressurize petitioner No. 2, a complaint has been procured from a complainant who is a habitual litigant and, with malicious motive, two different FIRs, Nos. 624/2026 dated 17.09.2026 and 625/2026 dated 18.09.2026, were registered at Police Station Hanumangarh for the alleged incident of the year 2003. He also referred the purpose to pressurize petitioner No. 2 and submitted that, all of a sudden, petitioner No. 2

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had been arrested in FIR No. 624/2026 and currently he is on remand. He also submitted that the cause of action for which these two FIRs were related, in fact, dates back to the year 2003, when petitioner No. 1, who is the wife of petitioner No. 2, was Chairperson of Municipal body and petitioner No. 2 was having no link whatsoever with her official position, thus, the criminal action initiated against petitioner Nos. 2 and 3 for any act committed in discharge of official duty of petitioner No. 1 is an abuse of process of law.

4. Learned counsel for petitioner has challenged the registration of FIR and continuation of investigation on several grounds, and the some of them were explained in written submissions by him.

(i) FIR has been registered against the petitioners as a tool used for political victimization and political vendetta, (ii) The acts complained of were committed in the year 2003 and FIRs were filed and registered on 17.09.2026 and 18.09.2026, respectively, and that too without an order under Section 156(3) of CrPC (corresponding provision under Section 175(4) of BNSS), and without explaining the reasons for delay;

(iii) The conduct of the complainant was referred by learned counsel by referring an order dated 13.04.2026 in DB Civil Writ Petition No. 2605/2026 passed by the Division Bench of this Court, and submitted that nine writ petitions were filed by Sandeep Soni, who is the

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complainant of the present case. Further, a criminal record has been filed by the Government Counsel to show that five criminal cases were registered against Sandeep Soni. A coordinate Bench has dismissed DB Civil Writ Petition Nos. 2605/2026, 1171/2020, 3191/2021, 17733/2021, 16385/2022 and 15826/2024, all filed by respondent No. 2, who is the complainant of the present case;

(iv) Earlier, an FIR was lodged by Naib Tehsildar against some of the individuals in relation to the same land and the accused were discharged by the trial court and further criminal revision was dismissed. Again, the complainant has attempted to register an FIR, but he remained unsuccessful;

(v) Petitioner No. 2 has no role, as patta/lease deeds were signed by the beneficiaries and the same has not been challenged before any competent court till date.
(vi) While placing reliance upon the judgment in the case of State of Haryana versus Bhajan Lal reported in ***1992 Supplementary (1) SCC 335****, it has been submitted that no prima facie case is made out from the bare reading of the contents of the FIR and, even otherwise, the offence alleged is triable by the Magistrate;*

(vii) Learned counsel has also referred the order dated 24.02.2022 in SB Criminal Miscellaneous Petition Nos. 567/2021, 977/2021, 978/2021, 993/2021, 994/2021, 1033/2021, 1034/2021, 1036/2021, 1039/2021 and

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1041/2021, filed by respondent No. 2-complainant, and submitted that, in relation to the same cause, miscellaneous petitions under Section 482 of CrPC were filed before this Hon'ble Court and the same were dismissed and the prayer to register FIR was rejected. Registration of the said FIR by the police in such a hurried manner gave rise to a ground that it is motivated report at the instance of political opponents;

5. Learned counsel for petitioners has further referred other orders passed by the courts in relation to the same land or dispute and submitted that there is no material to show that petitioner No. 1 has acted contrary to law while issuing patta to the beneficiaries on the land referred in the said FIRs. He also submitted that the individuals who were pressurized by the police during the period have filed Civil Writ Petition Nos. 23247/2026 and 23248/2026, wherein a coordinate Bench has granted interim protection, which is sufficient to show that the petitioners were implicated due to political vendetta and harassment.

6. Learned counsel for the petitioners has placed reliance upon the judgment in the case of ***Satender Kumar Antil versus CBI, 2026 INSC 115***, and ***Jaskaran Jeet Singh Deol versus State of Punjab, reported in 2026 INSC 1022***, and submitted that there was no need and necessity to arrest petitioner No. 2, but despite that, petitioner No. 2 was arrested in violation of legal provisions. He also submitted that, in an identical case, a

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coordinate Bench of this Court has allowed Miscellaneous Petition Nos. 372/2019 and 101/2019 on 10.08.2026. He also referred the order dated 23.03.2026 in ***SB Contempt Petition No. 507/2023, Ravi Meena Vs. Pushpendra Singh Rathod and Ors.***, passed by a coordinate Bench, and submitted that arrest in relation to Section 41(A) of CrPC is a clear case of contempt of the directions issued by the Hon'ble Supreme Court and the Court had directed for sentence to one of the Additional SP. He also submitted that when the FIR is politically motivated and registered with mala fide reasons, and same are liable to be quashed in order to protect fundamental rights of petitioners as the entire process being an abuse of process of law.

7. Aforesaid contentions were opposed by learned Additional Advocate General and learned counsel on behalf of respondent No. 2-complainant Sandeep Soni.

8. Learned AAG has submitted that total 82 criminal cases, were registered against petitioner No. 2, Ganesh Raj Bansal, and the same is sufficient to draw a conclusion that petitioner No. 2 is having a criminal background. He specifically denied that there was any political vendetta or any malicious attempt by the State or police in registration of FIR Nos. 624/2026 and 625/2026 at Police Station Hanumangarh Junction. He also submitted that, as the complainant had filed a criminal complaint before the SHO, therefore, he was under an obligation to

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register an FIR, pursuance of the mandate under Section 175 of BNSS. He also submitted that there is no discretion with the police to refuge from registration of FIR, particularly when there is an allegation about commission of a cognizable offence and the complainant himself has filed a written report at the police station. He submitted that there is nothing extraordinary in registration of FIR and, whatever be the timing, the police cannot stop its function as prescribed under the law.

9. Learned AAG has further submitted that, since petitioner No. 2 was a member of the current Legislative Assembly (MLA), the District police has transferred the matter to CID (CB) for further investigation and further investigation was undertaken by CID (CB) as per norms. He submitted that, after receipt of the FIR, the CID recorded the statements of witnesses and further collected the documents and, after satisfying itself that petitioner No. 2 had committed the offence as complained of, they adopted the legal procedure and arrested petitioner No. 2 in FIR No. 624/2026, so that custodial interrogation could be undertaken and discovery/recovery could be effected. He also submitted that the process of disclosure and recovery and further collection of evidence warrants custodial interrogation and petitioner No. 2 was arrested by the police. He also submitted that, after investigation, a prima facie case against petitioner No. 2 is made out, but there is no evidence against petitioner No. 3 and the police is not taking any action against

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petitioner No. 3 in both FIRs, 624/2026 and 625/ 2026. He also submitted that petitioner No. 3 will not be touched for any reason by the police and the same may be recorded in the order.

10. The contentions of learned AAG were supported by learned counsel for respondent No. 2-complainant, and he also placed reliance upon the order in Miscellaneous Petition No. 1038/2019 And submitted that, in an identical nature of case, this Hon'ble Court has dismissed the miscellaneous petition under Section 482 of CrPC, observing that invocation of inherent power under Section 482 of CrPC, (now under Section 528 of BNSS), depends upon a given case and the Court cannot manouever to presume that every action initiated by the police amounts to abuse of process of law same is a miscarriage of justice. He also submitted that the complainant has filed a police case only after knowledge of the said crime committed by the petitioner and others. He also submitted that petitioner No. 2 is a known criminal and his criminal record is sufficient to demonstrate that he is a habitual offender in committing offences and serious crimes.

11. Learned counsel also referred the allegations against the petitioners and submitted that, under Section 467 of IPC, the maximum sentence is imprisonment for life or imprisonment up to ten years, whereas any other offence such as Sections 420, 467 and 471 of IPC is upto seven

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years. He also submitted that the allegations against the petitioner are for fraudulent transactions and use of fraudulent documents and conspiracy in relation to valuable property belonging to the municipality or public authorities. He submitted that the offence is a cognizable offence and any person has like complainant has a right to lodge and file an FIR even though he is not a direct victim of the act complained of, as the offence is a cognizable offence.

12. Learned counsel for the complainant has placed reliance upon the judgment in the case of ***M/s Neeharika Infrastructure Private Limited vs. State of Maharashtra,*** *reported in* ***(2021) SCC Online SC 315***, and submitted that the police has a statutory right and duty to investigate cognizable offences and the Courts should not thwart such investigation. He also submitted that any criminal proceedings cannot be scuttled at the initial stage when a prayer for quashing is made, particularly when there is discovery of commission of cognizable offence. He also placed reliance upon ***State Represented by the Inspector of Police v. M. Maridoss & Anr. (Criminal Appeal No. 67 of 2023)***, and submitted that, while considering the power under Section 528 of BNSS, the Court should not conduct a mini-trial and the same is contrary to the provisions laid down in the case of Niharika Infrastructure (supra).

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13. Learned counsel has further referred the allegations and submitted that, even if petitioner No. 2 has been arrested by the police at an early stage, then the arrest itself is not illegal. He also submitted that petitioner No. 2 is a sitting MLA and, without due regard to duty and interest, he not only influenced the evidence but intimidated the witness and interfered in the criminal justice system. He also referred the judgment in the case of ***State of Haryana vs. Bhajan Lal (supra)*** and further reiteration in the case of ***Krishnakant & Anr. Vs. State of Chattisgarh & Ors. reported in 2025 AIR INSC 958***, and submitted that the judgment in the case of ***Bhajan Lal (supra), and Neeharika Infrastructure (supra)***, stands in harmony and there is no contradiction.

14. Learned counsel also referred the election affidavit filed by petitioner No. 2 and submitted that three criminal proceedings were pending against petitioner No. 2 as per the election affidavit. He also contradicted the argument advanced by learned counsel for petitioners and submitted that no case is made out for interference by this Court for quashing FIR under Section 528 of BNSS.

15. Heard learned counsel for the parties and learned AAG and Investigating Officer of the case. Perused the material placed on record, including the judgments cited by both the parties.

16. ***Registration and Investigation of FIR Nos. 624/2026 and 625/2026***

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16.1. ***FIR No. 624/2026***

FIR No. 624/2026, dated 17.09.2026 Police Station Hanumangarh Junction, was registered by the complainant, Sandeep Soni, against Santosh Bansal, Ganesh Raj Bansal, Bhawanral Soni and Krishna Rani for the incident (occurrence of offence) between 25.08.2003 and 18.10.2003. The police has registered this report on a typed written complaint, wherein it has been mentioned that the complainant is a RTI activist and he is continuously fighting against the corruption prevalent in Nagar Parishad (Municipal Council), Hanumangarh. A fact has been mentioned that Santosh Bansal (petitioner No. 1) was the Chairperson in the year 2003, and Ganesh Raj Bansal (petitioner No. 2) is the husband of Santosh Bansal, whereas Bhanwar Lal Soni was the Executive Officer in 2003, and Krishan Rani is the owner of one plot.

The police has registered an FIR on 17.09.2026 under Sections 420, 467, 468, 471 and 120-B of the IPC. Thereafter, the same has been transferred to CID (CB) and currently, the same is being investigated by the Additional SP, CID (CB), Range Cell- Bikaner. The CID (CB) has arrested Ganesh Raj Bansal on 20.09.2026 at 7:45 a.m.

16.2. ***FIR No. 625/2026***

On the basis of the written complaint lodged by Sandeep Soni, FIR No. 625/2026, dated 18.09.2026, was

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registered at Police Station Hanumangarh Junction for the incident between 25.08.2023 and 18.10.2023, under Sections 420, 467, 468, 471 and 120-B of IPC against Santosh Bansal, Ganesh Raj Bansal, Bhawarlal Soni and Rajrani.

The petitioner has mentioned in paragraph No. 1 that he is a vigilant citizen and RTI activist and that he is raising issues relating to corruption in Nagar Parishad (Municipal Council), Hanumangarh. Again a fact has been mentioned that Santosh Bansal, petitioner No. 1, was the Chairperson of Hanumangarh Nagar Parishad in the year 2003 and petitioner No. 2, Ganesh Raj Bansal, is her husband, having a criminal character and Ganesh Raj Bansal has been declared as a land grabber and currently he is the Chairperson of Municipal Council, Hanumangarh, whereas Bhawarlal Soni was the Executive Officer of Nagar Parishad in the year 2003 and Rajrani is the landholder. The matter is being investigated by CID (CB) and the Investigating Officer has prima facie found that an offence against Ganesh Raj Bansal, Santosh Bansal, Rajrani and Bhawarlal Soni has been made out.

17. **Criminal Antecedents**

17.1. Learned counsel for the petitioners has placed on record the criminal antecedents of the complainant which were noticed by a Division Bench of this Court in D.B. Civil Writ Petition No. 2605/2026 and in five other connected writ petitions. The relevant paragraph is reproduced as under:

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1. The petitioner has filed these nine writ petitions with the following case titles, the following case numbers and following prayers:-

Sr. No.	CASE TITLE	CASE NOS.	PRAYERS:	FILED ON	STATUS
1.	Sandeep Soni v/s State	S.B.C.W. No.1171/ 2020	i The respondent authorities may kindly be directed to provide the basic facilities in the residential colonies, which have been created earlier in Municipal Area, Hanumangarh. ii The respondent authorities may kindly be directed to provide the basic facilities in the newly created residential colony Ward No. 1, Behind Shiv Cinema, Hanumangarh before allotment of the plots. (ii) Any other appropriate writ, order or direction which this Hon'ble Court deems just and proper may kindly be passed in favour of the petitioner.	21.01. 2020	Pending

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2.	Sandeep Soni v/s State	D.B.C.W. No.748/2021	By way of this writ petition, the petitioner is seeking directions to the respondents to take action against the encroachers who have made construction over the plot without taking permission from the Municipal Council, Hanumangarh	11.01.2021	**Decided on 27.01.2021**
3.	Sandeep Soni v/s State	D.B. REVIEW PETITION NO.20/2021	This review petition has been filed by the petitioner seeking review of order dated 27th of January, 2021 passed by this Court in D.B. Civil Writ Petition No.748/2021, whereby this Court declined to exercise PIL jurisdiction in respect of grievance raised against construction raised without taking permission from the Municipal Council, Hanumangarh.	06.02.2021	**Decided on 03.03.2021**
4.	Sandeep Soni v/s State	D.BC.W. NO.3191/2021	a by an appropriate writ, order or direction to the respondents for conducting a high-level inquiry in the lease deed annexed form Annexure-5 to25 and after inquiry the	16.02.2021	Pending

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			lease deed may be declared as void, ab-initio and the possession of the land may be taken back from the alleged beneficiaries; b in the alternate by an appropriate writ, order or direction the lease deed mentioned in Annexure-5 to 25 may kindly be declared void and quashed and set aside and the Municipality Hanumangarh may be directed to take the possession back to the property mentioned in the lease deed;		
5.	Sandeep Soni v/s State	D.B.C.W NO.10790/2021	This writ petition has been filed by the petitioner with a prayer that the respondents be directed to take action against the persons, who have made encroachment in the city of Hanumangarh, with a further direction to the respondents to remove encroachment of the encroachers, who have made constructions on their plots, without getting any permission from the Municipal Council, Hanumangarh.	11.08.2021	**Decided on 26.08.2021**
6.	Sandeep Soni v/s State	S.B.C.W. NO.17733/2021	a It is, therefore, most respectfully prayed that writ petition of the petitioner may kindly be allowed and:- by an appropriate writ, order or direction to the respondent NO.1 to 3 to stopped the construction made by the private	15.12.2021	Pending

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			respondent No.4 to 7 upon the plot in question as per their sale deeds form residential to commercial use; b by an appropriate writ of mandamus may also be issued against the respondents that without change of use as per law no construction is to be made;		
7.	Sandeep Soni v/s State	D.B.C.W. NO.16385/2022	a It may kindly be directed to the respondent authorities to prevent/stop the illegal construction of shops over the land reserved for purpose of Public Park/ Playground according to the Master Plan and demolish the illegal construction already raised; b It may kindly be directed to the responsible respondent authority to ensure construction, development and maintenance of Public Park over the land reserved for purpose of Public Park/ Playground; c It may kindly be directed to the anti-corruption department to register a case of criminal conspiracy to snatch the land of public by land mafia/traffickers and be punished;	01.11.2022	Pending

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8.	Sandeep Soni v/s State	S.B.C.W. NO.15826/2024	A) The respondent No.1 to 4 may be directed to demolish illegal construction raised by the respondent No. 5 and 6 over their residential plot situated near Goshala Road, Ward No.25, Hanumangarh Town, District Hanumangarh. b) That during the pendency of the writ petition if any further construction has been raised by the respondents No.5 and 6, the same may kindly be ordered to be removed.	11.09.2022	Pending
9.	Sandeep Soni v/s State	DB.C.W. NO.2605/2026	i Issue an appropriate writ, order or direction to immediately demolish all illegal and unauthorized constructions raised in the residential scheme "Emporia, ii Direct the Respondent Authorities to restore the approved layout plan, including public roads, parking areas, and open spaces, to their original sanctioned form, after the demolition of illegal constructions. iii Direct the Respondent Authorities to initiate strict action under the Rajasthan Municipalities Act, 2009, RERA Act, 2016, and other applicable laws against the Respondent-Developer for violations, including non-	29.01.2026	Pending

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			compliance with notices, illegal construction, and encroachments; iv Direct the Respondent Authorities to ensure that public roads, parking areas, water supply, drainage, and other public utilities are restored and protected from further encroachments or illegal constructions;		

18 A Division Bench, while disposing of the bunch of writ petitions, has observed about complainant Sandeep Soni as under:

> 9. Learned counsels for the petitioner also tries to impress upon the Court that the subsequent PILs and the abuse of process may not have a retrospective impact upon the litigation which is pending.
>
> 10.This Court, upon hearing the submissions of both the parties and after perusal of the record, observes that the present batch of petitions, though filed at different points of time, revolve around substantially similar subject matters pertaining to alleged illegal constructions, encroachments, and inaction of municipal authorities within Hanumangarh.
>
> 10.1. This Court further observes that the petitioner, while invoking the extraordinary jurisdiction of this Court, was under a statutory obligation to make complete and truthful disclosures in terms of Rules 385-F and 385-H of the Rules of the High Court of Judicature for Rajasthan, 1952; however, such mandatory disclosures have not been adhered to.
>
> 10.2. The Court notes that in S.B. Civil Writ Petition No. 1171/2020, the petitioner has failed to disclose:
>
> • prior litigation history,

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- source of information,
- personal interest despite being an applicant in the subject matter,
- delay in approaching the Court despite decades-old cause of action,
- and has also not furnished the declaration as required under Rule 385-H.

10.3. This Court finds that in S.B. Civil Writ Petition No. 17733/2021, the petitioner has made a false declaration stating that no prior writ petition had been filed, whereas S.B. Civil Writ Petition No. 1171/2020 was already pending. This Court further notes that the said petition pertains to a private property dispute, which has been projected as a public law issue, without disclosure of alternative remedies or parallel proceedings.

10.4. This Court observes that in D.B. Civil Writ Petition No. 3191/2021, the petitioner has not disclosed the pendency of earlier petitions and has also failed to disclose his personal interest in the lease-related dispute. This Court further notes that the rights of affected third parties and availability of alternative remedies have not been disclosed, thereby concealing material facts.

10.5. This Court notes that in D.B. Civil Writ Petition No. 16385/2022 (PIL), the petitioner has declared that he has no personal interest in the matter, which is not borne out from the overall conduct and repeated involvement of the petitioner in similar issues. This Court further finds that prior litigations were not disclosed and the declaration under Rule 385-H is incomplete and misleading. The assertion regarding absence of alternative remedy is also found to be incorrect.

10.6. This Court observes that in S.B. Civil Writ Petition No. 15826/2024, the petitioner has again made a false statement that no prior writ petition has been filed, despite multiple earlier petitions on similar issues.

10.7. This Court finds that in D.B. Civil Writ Petition No. 2605/2026 (PIL), the petitioner has

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once again falsely declared that no such writ petition had been filed previously, despite a series of earlier petitions. This Court further observes that the petitioner has not disclosed his criminal antecedents, prior adverse orders, or the repetitive nature of the cause of action, thereby making a materially false and misleading disclosure.

10.8. This Court further observes that in none of the petitions has the petitioner disclosed his criminal antecedents, which is a relevant factor while examining the bona fides of a litigant invoking public interest jurisdiction.

10.9. This Court finds that the petitioner has consistently:

- suppressed prior litigation,
- failed to disclose material facts,
- made false statements on oath,
- concealed personal interest,

and misrepresented private disputes as public interest matters.

11. Thus, this Court is of the firm opinion that any litigant, who at any juncture as mentioned hereinbefore, tries to abuse the process of law, cannot be permitted to continue his litigation. The flagrant violation is on record, as the petitioner has not disclosed his criminal antecedents and has also not disclosed the details envisaged under Rule 385-F and 385-H of the Rules of the High Court of Judicature for Rajasthan, 1952 which require him to file the PILs within the well disclosed parameters. The overall conduct of the petitioner, in filing these petitions, has a cumulative impact, and the broader parameters of the challenges therein are of a similar nature. Furthermore, once the litigant is tainted with the fact of not making the statutory disclosures and of filing wrongful affidavits, this Court ought to take a stringent view and deny such a litigant the right to continue litigation.

12. Therefore, without touching the issue on merit and leaving it open, as it may impact public at

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large, this Court limiting its exercise today to the right of the present litigant to approach this Court, while abusing the process of law, which at the threshold, debars the petitioner carrying on this kind of litigation, all the writ petitions, are **dismissed** only on the ground that the petitioner with his misconduct and abuse of process of law is not entitled to continue such litigation and furthermore, the petitioner shall be required to pay cost of Rs.5,000/- for each litigation which shall be deposited with Rajasthan State Legal Services Authority, Jodhpur.

19. Learned AAG has also filed details of 49 criminal cases against petitioner No. 2, but mentioned that there is no criminal antecedent against petitioner No. 1, Santosh Bansal, and petitioner No. 3 Vandana Jain. The details submitted by learned AAG indicate that except Item No. 3 (56/1997 under Section 3/7 of the EC Act), Item No. 9 (202/2004), Item No. 37 (373/2015); and Item No. 43 (33/2016) all are either closed matters or FRs have been submitted. In Item Nos. 3, 9, 34, 37 and 43 charge-sheets have been filed, out of which Item No. 34 has been disposed of by way of compromise and Item No. 37 has been withdrawn.

20. The counsel for the complainant has referred the affidavit of petitioner No. 2, which indicate that three criminal cases, namely, FIR No. 331/2016, under Section 72-A of the Information Technology Act, FIR No. 202/2004 under Section 379 of IPC, and Criminal Case No. 1629/2017 under Section 138 of the NI Act, are pending against petitioner No.2. Ganesh Raj.

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21. The aforementioned facts clearly indicate that both the complainant and petitioner No. 2 are well aware about process of the police and also of the Court, and the process of the police or the Court is not new to any of them. But admittedly, petitioner Nos. 1 and 3 have no criminal antecedents. The issue pertains to the year 2003, when petitioner No. 1, Santosh Bansal, was Chairperson of Nagar Parishad, Hanumangarh, and petitioner No. 2 was neither a member of the municipality nor holding any post in Nagar Parishad in the year 2003. There is not a single word in the FIR about misuse of any official position by petitioner No.2.

22. Legal Position for invocation of jurisdiction under Section 528 of BNSS

22.1 Having considered the entirety of the facts and circumstances of the case, and also the judgment in the case of **State of Haryana vs. Bhajan Lal (supra)** certain illustrative categories were laid down for quashing of proceedings under Section 482 CrPC, and the same are reproduced 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

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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;

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> (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.

22.2. These categories were considered in the case of **Anukul Singh vs. State of U.P. & Another, 2025 INSC 1153**, wherein it was held that the categories in **Bhajan Lal (supra)** are illustrative and not exhaustive, but they provide guiding principles to balance two competing considerations: (a) preventing abuse of the process of law; and (b) ensuring that proceedings are not stuffled at the threshold where disputed questions of fact are involved.

22.3. In case of **Neeharika Infrastructure Private Limited versus State of Maharashtra and others (supra)**, a three-judge bench of Hon'ble Supreme Court has laid down following principle of law for considering questioning of criminal case under Section 482 Cr.P.C.:

> "57. From the aforesaid decisions of this Court, right from the decision of the Privy Council in the case of Khawaja Nazir Ahmad (supra), the following principles of law emerge:
>
> i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure in Chapter XIV of the Code to investigate into cognizable offences;

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ii) Courts would not thwart any investigation into the cognizable offences;

iii) However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on;

iv) The power of quashing should be exercised sparingly with circumspection, in the 'rarest of rare cases'. (The rarest of rare cases standard in its application for quashing under Section 482 Cr..P.C. is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court);

v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the ends of justice or

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prevent the above of the process by Section 482 Cr.P.C.

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be

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considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under Section 482 Cr..P.C. is very wide, but conferment of wide power requires the court to be cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint; and

xv) When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR."

22.4. **In case of Satender Kumar Antil v. C.B.I. (supra),** Hon'ble Supreme Court held that, arrest is not to be treated as an automatic consequence of registration of an FIR or filing of a charge-sheet. The Supreme Court emphasised the distinction between the power to arrest and the justification for

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arrest. Where an accused has cooperated with investigation and custodial interrogation is not required, there is ordinarily no justification for arrest merely because the charge-sheet is being filed. Section 170 CrPC does not require the investigating officer to produce every accused in custody along with the charge-sheet. The Supreme Court also laid down the well-known four-category framework for bail consideration and reiterated that personal liberty must be protected, while making the statutory conditions applicable to more serious/special-statute offences. The Filing of a charge-sheet does not itself necessitate arrest; arrest must have a legitimate investigative or statutory justification, and courts should guard against unnecessary deprivation of liberty.

22.5. **In case of Jaskaran Jeet Singh Deol v. State of Punjab (supra)** Hon'ble Supreme Court held that furnishing the grounds of arrest is a mandatory constitutional requirement under Article 22(1). The grounds must ordinarily be furnished in writing in a language understood by the accused; where immediate written communication is impracticable, they may initially be communicated orally but must be supplied in writing within a reasonable time and, in any event, at least two hours before production for remand. Non-compliance renders the arrest and subsequent remand illegal. Significantly, the Court did not grant the accused an absolute immunity from future arrest. Instead, where an accused has been released because of breach of Article 22(1),

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the investigating agency cannot simply re-arrest him on its own authority.

If custodial interrogation is still considered necessary, the investigating agency must:

(i) first furnish the grounds of arrest;

(ii) make an application to the concerned Magistrate seeking custody/re-arrest;

(iii) explain why the grounds of arrest were not supplied initially;

(iv) obtain endorsement of the immediate superior authority; and

(v) obtain the Magistrate's judicial satisfaction/order permitting re-arrest.

23. ***Discussions a*bout applicability of legal principles in current cases**

23.1. Admittedly, FIR No. 624/2026 was registered on 17.09.2026, and the accused Ganesh Raj Bansal was arrested on 20.09.2026 for alleged commission of the crime from August 2003 to October 2003. The law over the point is well-settled that any person who has any information about the commission of a cognizable offence can lodge a police report under Section 175 of B.N.S.S., as Section 175(1), authorizes any officer in charge of a police station to investigate any cognizable offence. However, considering the nature and gravity of the offence, the Superintendent of Police may require the Deputy Superintendent of Police to investigate. The police

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can register any FIR wherein the allegations disclose the commission of any cognizable offence. The police has a authority to register an FIR when it discloses the commission of a cognizable offence. Section 175(3) empowers the Magistrate to consider an application supported by an affidavit and to make such inquiry as he thinks necessary, and sub-section (4) empowers him to order investigation, as provided under Section 156(3) of Cr.P.C.

23.2. In the instant case, no such power has been invoked, and the same has been raised by learned counsel for the petitioners. However, considering the power under Section 175 of B.N.S.S., an FIR can be registered, and there is no doubt about the legal position, therefore, we are leaving this issue open, except to consider the provision governing the quashing of an FIR.

23.3. In the case of ***Satender Kumar Antil (supra)*** *Hon'ble Supreme Court has considered judgment in case of* **Arnesh Kumar v. State of Bihar, reported in (2014) 8 SCC 273**, with regard to notice under Section 41-A for appearance before the police officer. In an identical situation, a Coordinate Bench has also considered the contempt petition in the case of ***Ravi Meena v. State (supra).***

By the time these miscellaneous petitions were preferred on 18.09.2026, petitioner No. 2 was not arrested in FIR No. 624 /2026. The arrest was made on 20.09.2026.

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Therefore, leaving the issue open with regard to the illegality of the arrest and further compensation for illegal arrest, the same may be considered in any appropriate proceedings.

We are not going into details about the ratio laid down in the case of ***Satender Kumar Antil v. CBI (supra)*** *and* ***Ravi Meena v. State (supra).***

23.4. In case of ***Jaskaran Jeet Singh Deol versus State of Punjab (supra),*** Hon'ble Supreme Court has considered legal position post mandate in case of ***Mihir Rajesh Shah Vs. State of Maharashtra reported in 2025 INSC 1288*** and observed that *w*hen a certain procedure is prescribed by the Constitution or the laws for depriving a citizen of his personal liberty, it is the duty of the court to ensure that such procedure is rigorously observed, howsoever, strange this might sound to some ears.

24. Analysis and observations

24.1. Admittedly, the complainant has no personal interest in the land in question, except that he is a private individual and claimed to be a RTI activist, and he has been fighting for a long time against petitioner Nos. 1 and 2. The same is evident from the order dated 24.02.2022 passed in Miscellaneous Petition Nos. 977/2021, 978/2021, 993/2021, 994/2021, 1033/2021, 1034/2021, 1036/2021, 1039/2021 and 1041/2021. A Coordinate Bench of this Court has dismissed the miscellaneous petitions filed by complainant Sandeep Soni, wherein

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petitioner Nos. 1 and 2 are non-petitioners. It is evident that Bhawarlal Soni, who was the Executive Officer of Nagar Parishad, was also made a party in a large number of miscellaneous petitions. A Coordinate Bench has refused to issue any direction but granted liberty to the petitioner to produce evidence in support of the applications filed before the learned Chief Judicial Magistrate, Hanumangarh. The proceedings were filed before the learned Chief Judicial Magistrate, wherein no evidence has been produced and the non-petitioners in the said miscellaneous petitions were not summoned.

24.2. The FIR clearly indicates that, as per the report of Bhawarlal Soni, the land belongs to Nagar Parishad (Municipal Body) and the same has been encroached upon by some individuals, and on the basis of such encroachment, the land has been sold, but in case the land has been vacated from encroachment and, if it is sold, then Municipal Body can earn crores of rupees. It has also been mentioned that the then SDO, Pilibanga and Sangaria, have submitted their joint report to the District Collector on 29.09.2003. The District Collector, Hanumangarh, has directed the Executive Officer, Hanumangarh, not to issue any lease/patta. The facts indicate that the FIR itself demonstrates that the dispute regarding the said land was within the knowledge of the District Collector, (the highest revenue officer of the district), and inquiries were also made in year 2003, but no report was lodged either by the District Collector or by

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any municipal authority, including the Director, Local Bodies, Government of Rajasthan.

25.3. In the matter, the complainant, who is said to be an RTI activist, is just popping up from his crease and registered a report. The police, which normally remained indecisive in registering such kind of report, has acted very promptly and registered the report, and taken a chance to stumps the petitioner No.2, who is a sitting MLA.

24.3. Learned counsel for the petitioners has submitted that earlier FIR No. 216/1987 was registered at Police Station Hanumangarh Junction by Kewal Krishna, Tehsildar, and the accused, who were charge-sheeted, were discharged on 30.10.2002 by the learned Chief Judicial Magistrate, Hanumangarh. A revision petition was preferred by the State, but the same was dismissed as Criminal Revision No. 73/2004 on 16.02.2004. We have considered these orders placed on record.

24.4. During the course of arguments, it has also been submitted by learned counsel that the complainant had filed a criminal complaint before the learned Chief Judicial Magistrate and the same was not sent for registration of an FIR, and the petitioner approached this Court and the petition was dismissed. It also indicate that the complainant is pursuing the remedy for long regarding the same dispute, but he remained unsuccessful, maybe for the reason that the legal process takes time.

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24.5. However, in the instant case, the police came to help the complainant by not only registering the FIR immediately but also arresting one of the petitioners, who is a sitting MLA, within three days of registration of the FIR. It is expected of the police to remain prompt in all matters, but all of a sudden, if any action is initiated, it gives rise to so many things. However, these are not matters and we are not inclined to discuss some of the arguments touching the arguments which were, in fact, advanced before this Court, they are in relation to actual reasons behind police station.

24.6. A Coordinate Bench of this Court, in the case of **Suresh Kumar v. State of Rajasthan (supra)**, after considering several judgments of the Hon'ble Supreme Court, has allowed the petition under Section 482 of Cr.P.C. and quashed the FIR, whereas this Court, after considering the provisions, has not allowed the petition under Section 482 of Cr.P.C. in the case of **Suraj Kumar v. State (supra)**. We have taken note of both the judgments

24.7. The material on record clearly indicate that the facts revealed by the complainant are not the new facts which have suddenly come to light on 17.09.2026 or on 18.09.2026; rather, the complainant was-well aware about these facts. Moreover, all these facts were within the notice of the District Administration since 2003, but no action has been initiated since 2003. If any action has

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not been taken, it signifies that neither the Chairperson of the Nagar Parishad nor the Executive Officer of the Nagar Parishad was responsible for any misdeed or wrongdoing, wile discharge of official duty by anyone. The offence, if any, and the criticism or allegations are part and parcel of his/her public life. Once an act constitutes an offence punishable under the law, then a person is liable for such criminal act; otherwise, not.

24.8. The principle of law, aslaid down in the case of State of ***Haryana v. Bhajan Lal (supra)***, and after considering the case of ***Anukul Singh (supra)***, it has been made clear that the categories are illustrative and not exhaustive. Further, in the case of ***Neeharika Infrastructure (supra)***, it was held that the police have the power to investigate. The police have a statutory right under the Cr.P.C. to investigate when a criminal offence of a cognizable nature is alleged. The principle referred hereinabove does not mean that the police can investigate any false or manipulated case or that the police is bound to arrest a person in violation of any legal provision.

24.9. In case of **Sujoy Ghosh Vs. The State of Jharkhand and Anr. reported in 2026 INSC 267** Hon'ble Supreme Court while considering the exercise of jurisdiction under Section 482 of Cr.P.C. or Article 226 of the Constitution observed that a Court need not restrict itself only to the stage of a case but is empowered to take into account the

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overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Earlier in case of **Pradeep Kesarwani Vs. State of U.P. Criminal Appeal No. 3831/2025**, it was held that the Court has to consider credibility of allegations made and whether the criminal proceedings constitutes an abuse of process.

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25. Conclusion

25.1. Having considered the entirety and all the facts as narrated in the FIRs, No. 624/2026 and 625/2026, we are of the view that the registration of both the FIR are just an abuse of the process of law, that too after 23 years for the alleged official act of petitioner No. 1 is just an act of vandetta and harassment. The complainant having personal prejudices and bias to show animosity. Thus, these are illustrative categories as mentioned in the case of ***Bhajan Lal (supra),*** and also in subsequent judgments till date.Therefore, we are not hesitant in arriving at a conclusion that the registration of the FIRs and all subsequent proceedings are sufficient to draw a conclusion that these are abuse of the process of law.

25.2. The police or the CID (CB) is expected to act strictly in accordance with law, and they are not puppets of any individual, giving command against the law. Everyone is duty bound to uphold the constitutional ethics and values. If anyone disobeys law, he is liable as "noone is above law".

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25.3. In view of the discussions made hereinabove, the misc. petition Nos. 9089/2026 and 9090/2026, are hereby allowed, and FIR No. 624/2026 dated 17.09.2026 and FIR No. 625/2026 dated 18.09.2026, registered at Police Station Hanumangarh Junction, District Hanumangarh, are hereby quashed and set aside, along with all consequential proceedings arising therefrom.

25.4. Petitioner No. 2, Ganesh Raj Bansal, if is in custody in FIR No. 624/2026 registered at Police Station Hanumangarh Junction, is ordered to be released forthwith.

26 Miscellaneous application(s), if any, stand disposed of.

(ASHOK KUMAR JAIN),J

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