IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH JAIPUR

[1] S.B. Criminal Misc. Petition No.3501/2014 Gajraj Sharma

Versus

State of Rajasthan & Anr.

[2] S.B. Criminal Misc. Petition No.3981/2014

Ram Kaushik

Versus

State of Rajasthan & Anr.

DATE OF ORDER : 28/01/2015

HON'BLE MR. JUSTICE M.N. BHANDARI

Mr. Anil Kumar Sharma, for petitioners

Mr. Sudesh Saini, P.P., for the State

Ms. Sangeeta Vashisth for Mr. Anoop Dhand, for non-petitioner No.2

By these petitions, a prayer is made for quashing of FIR bearing No.174/2014 registered with Police Station Mahila Thana, Jaipur City (East).

Learned counsel for petitioners submits that false and fabricated allegations have been made. The wife was maintained properly. She was administered treatment from time to time. The petitioners are in possession of prescription as well as bill for purchase of medicine. In view of above, FIR be quashed.

Learned counsel for non-complainant and the Public Prosecutor opposed the petition.

Learned Public Prosecutor submits that after investigation, the case is found against the petitioners.

I have considered the rival submissions made by the parties and

2

perused the record.

An FIR can be quashed on any of the grounds laid down by Apex Court in the case of **State of Haryana & Ors. Vs. Bhajan Lal & Ors., reported in 1992 Supp (1) SCC 335** and subsequent judgment. The ground of the nature laid down by Apex Court is not made out herein. The FIR cannot be quashed by appreciating the story given by the petitioner-accused.

In view of above, I do not find any ground to quash the FIR.

The petitions are accordingly dismissed. The dismissal of the petitions should not mean proof of the allegation against the petitioners rather it should be investigated independently.

[M.N.BHANDARI], J.

FRBOHRA/3501CMP2014.doc

Certificate:

"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed."

FATEH RAJ BOHRA, Sr. P.A.