

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

S.B. Criminal Misc(Pet.) No. 5750/2022

Surender Singh S/o Rajpal @ Rajpal Singh, Aged About 39  
Years, B/c Jat, R/o 462, IInd Floor, B.1, Jankpuri, New Delhi.

-----Petitioner

Versus

1. The State Of Rajasthan
2. S.H.O. Jai Narain Vyas Colony, Dist. Bikaner.
3. Superintendent Of Police, Bikaner.

-----Respondents

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For Petitioner(s)	:	Mr. Mohan S. with Mr. Gajendra Kumar Rinwa
For Respondent(s)	:	Mr. M.A. Siddiqui, GA-cum-AAG with Mr. A.R. Malkani Mr. Amit Kumar, Addl. S.P. City, Bikaner

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**JUSTICE DINESH MEHTA**

**Order**

**17/10/2022**

1. By way of the present petition, which has been filed under section 482 of the Code of Criminal Procedure, 1973, the petitioner has challenged the FIR No.292/2021, registered at Police Station Jai Narain Vyas Colony, District Bikaner implicating the petitioner for the offences under sections 420, 467, 468, 471 & 120-B of Indian Penal Code and Section 66B of the Information Technology Act, 2008.

2. The petitioner who is engaged in the business of GPS enabled bluetooth devices has been enroped in the offence of cheating and copying in the examination facilitated/arranged by co-accused persons.

3. Learned counsel for the petitioner argued that simply because the petitioner dealing in the bluetooth device has sold few devices to the co-accused persons, the petitioner cannot be held as accomplice in the offence of cheating and copying.

4. Mr. Siddiqui, learned Govt. Advocate-cum-Additional Advocate General, on the basis of factual report and the material available in the case diary including the statements of co-accused persons given in relation to another FIR (No.226/2021), argued that there is enough material to proceed against the petitioner and the question as to whether the petitioner is guilty or innocent, can be decided only once the investigation is over. It was also argued that since the petitioner has already been enlarged on bail, his liberty is not at stake and, therefore, the FIR in question be not interfered with.

5. Having heard learned counsel for the petitioner and the learned Govt. Advocate-cum-Additional Advocate General and after perusal of the record, this Court is of the view that the allegations against the main accused so also against the petitioner is subservient to the evidence (oral or documentary) and the FIR in question cannot be quashed on the grounds canvassed and raised in the present petition, particularly when the petitioner has been arrayed as co-accused in other similar FIRs also and charge-sheet has been filed.

6. This Court does not find it to be a fit case, in which the impugned FIR can be quashed for being false or vindictive.

7. The petition therefore fails.

8. It may be clarified that the observation made hereinabove is prima facie opinion of this Court, based on the material so far

9. The petitioner shall be free to raise all his defence and pleas at appropriate level, including at the stage of taking cognizance.

10. Stay petition also stands dismissed.

**(DINESH MEHTA),J**

115-Ramesh/-

