


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 1405/2021

Bantoo Singh son of Chothmal, Resident of Arjunpura Police
Station Javar, District Jhalawar

.....Accused Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Superintendent Of Police, Jhalawar
3. Station House Officer, Police Station Kotwali, Jhalawar
4. Investigation Officer, Police Station, Kotwali, District Jhalawar

.....Non- Petitioners

5. Chandandaan Barhat, Additional Superintendent of Police, Jhalawar, Kotwali Jhalawar (Raj.).

.....Complainant/Non-Petitioner

For Petitioner(s) : Mr. Sudarshan Kumar Laddha
For Respondent(s) : Mr. Babu Lal Nasuna, PP

HON'BLE MR. JUSTICE SAMEER JAIN

Order

30/11/2023

Present petition is filed against the proceedings which were initiated in the Year 2019.

It is an admitted version of the petitioner, that there was an imposition of penalty upon the petitioner, by way of which two increments of the petitioner were stopped. Moreover, the said order was not challenged. It is also an admitted position that after the filing of the present petition, charge-sheet in the matter has been filed and the competent court has taken cognizance of the matter.

Therefore, considering that the matter involves disputed questions of fact, which require examination of evidence in trial; that exercising power under Section 482 of Cr.P.C. is an exception



and not the Rule and it is to be exercised *ex debito justitiae* to do real and substantial justice for the administration of which alone Courts exist; that under Section 482, this Court ought not to examine the correctness of the allegations in a complaint except in exceptionally rare cases where it is patently clear that the allegations are frivolous or do not disclose any offence and relying upon the dictum of the Hon'ble Apex Court as enunciated in **Ramveer Upadhyay and Anr. vs. State of U.P.** reported in **AIR 2022 SC 2044** and **The State of Maharashtra and Ors. vs. Maroti** reported in **Criminal Appeal No. 1874 of 2022**, this Court deems it appropriate to dismiss the instant petition.

Howsoever, it is made clear that while contesting the matter before the competent court, no observations made by this Court, shall prejudice the rights of the petitioner.

As a result, the instant petition is dismissed. Pending applications, if any, stand disposed of.

(SAMEER JAIN),J