



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

S.B. Criminal Miscellaneous (Petition) No. 6205/2025
CNR: RJHC010693222025 | URN: CRLMP / 10974U / 2025

Badridan S/o Sh Peerdan Ji, Aged About 36 Years, R/o
Dharnavas Retired Assistant Sub Inspector Police Station Kotwali
District Jalore Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Peeyush Choudhary S/o Jitendra Choudhary, Erstwhile
Posted As Chief Judicial Magistrate Jalore Presently Posted
As

-----Respondents

For Petitioner(s) : Mr. Gopal Sandu
For Respondent(s) : Mr. P.S. Panwar, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL
Order

27/10/2026

1. The present criminal miscellaneous petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 291/2022 dated 08.07.2022, registered at Police Station Jalore, District Jalore, for offences under Sections 166A, 193, 202 and 218 IPC.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner, while discharging his official duties as a police officer, conducted the investigation in accordance with law and did not commit any act constituting the alleged offences. He submits that the allegations primarily relate to the recovery of a stolen motorcycle during the investigation of FIR No. 470/2021 and the alleged delay in making the corresponding entry in the Roznamcha, which has been satisfactorily explained by the



petitioner. He further submits that departmental proceedings were also initiated against the petitioner on substantially similar allegations, wherein no mala fide intention was attributed to him, and only warning was issued. He also submits that the proceedings before the Rajasthan State Human Rights Commission were closed and, therefore, continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law.

3. Per contra, learned Public Prosecutor, while referring to the factual report dated 25.10.2026, opposes the submissions made by learned counsel for the petitioner. He submits that the allegations against the petitioner are serious in nature, as he, while acting in his official capacity as a police officer, is alleged to have failed to follow the prescribed procedure during investigation and prepared incorrect documents concerning the recovery of the stolen motorcycle. Learned Public Prosecutor further submits that the investigation conducted so far has revealed material indicating the commission of the alleged offences and that further investigation and verification in the matter are still pending. He, therefore, submits that no interference is warranted at this stage.

4. Heard learned counsel for the parties and perused the material available on record.

5. This Court finds that the allegations against the petitioner essentially pertain to the manner in which the investigation of FIR No. 470/2021 was conducted, particularly regarding the recovery of the stolen motorcycle, preparation of recovery documents and the corresponding entries in the police records. The factual report



indicates that certain discrepancies were noticed during the inspection conducted by the then Chief Judicial Magistrate, Jalore, and that the investigation has revealed material concerning the non-compliance with the prescribed procedure and preparation of incorrect records by the petitioner in his capacity as a public servant. The factual report also indicates that further verification in the matter is still pending. The correctness of the allegations and the explanation furnished by the petitioner involve disputed questions of fact which cannot appropriately be adjudicated in proceedings seeking quashing of an FIR.

5.1. So far as the contention regarding the departmental proceedings is concerned, this Court observes that the petitioner was issued a warning upon conclusion of the disciplinary inquiry. Merely because no mala fide intention was attributed to the petitioner in the departmental proceedings, or because the proceedings before the Rajasthan State Human Rights Commission were subsequently closed, the same would not, by itself, constitute a sufficient ground for quashing the criminal proceedings. It is well settled that departmental proceedings and criminal proceedings operate in distinct spheres and that the findings recorded in departmental proceedings do not automatically preclude criminal prosecution. In this regard, reliance may be placed upon the judgment of the Hon'ble Supreme Court in **State (NCT of Delhi) Vs. Ajay Kumar Tyagi, (2012) 9 SCC 685**, wherein the Hon'ble Supreme Court, while considering the effect of exoneration in departmental proceedings upon criminal prosecution, observed as under:



"31. We are, therefore, of the opinion that the exoneration in the departmental proceeding ipso facto would not result into the quashing of the criminal prosecution. We hasten to add, however, that if the prosecution against an accused is solely based on a finding in a proceeding and that finding is set aside by the superior authority in the hierarchy, the very foundation goes and the prosecution may be quashed. But that principle will not apply in the case of the departmental proceeding as the criminal trial and the departmental proceeding are held by two different entities. Further they are not in the same hierarchy."

6. In the present case, having regard to the nature of the allegations against the petitioner, particularly those concerning the conduct of investigation and preparation of official records by a police officer entrusted with such responsibilities, it cannot be said at this stage that no offence whatsoever is disclosed or that continuation of the investigation would amount to an abuse of the process of law. The allegations require proper investigation, and this Court does not find any exceptional circumstance warranting interference in exercise of its inherent jurisdiction under Section 528 BNSS.

7. Accordingly, considering the nature and seriousness of the allegations levelled against the petitioner, the material reflected in the factual report, this Court is not inclined to exercise its inherent powers to quash the impugned FIR. Consequently, the present criminal miscellaneous petition, is hereby **dismissed**.

8. Pending application(s), if any, shall also stand disposed of.

(SUNIL BENIWAL),J

Crt_13 (1954)
D-A/11
Amar Purohit