HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 3371/2026
CNR: RJHC020497652026 | URN: CRLMP / 7550U / 2026

Amit Kumar Choubey S/o Shri Nagendra Choubey, Aged About 40 Years, Resident Of C-143, Kanak Vrindavan, Paschim Gandhi Path, Vaishali Nagar, Jaipur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. M/s. Sant Kumar Jain Agencies, Through Its Proprietor Shri Sanjay Jain S/o Late Shri Sant Kumar Jain, Situated At 121, Johar Plaza, Corner Kalyanji Ka Rasta, Indra Bazar, Jaipur-302001, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Hemant Kumar Sharma Mr. Kushagra Sharma Mr. Ashish Raj Kumawat
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

20/08/2026

1. Instant Criminal Misc. Petition under Section 528 of the BNSS has been filed on behalf of the accused-petitioner with the prayer to quash the impugned FIR No.26/2026 registered at Police Station Kotwali Jaipur, District Jaipur City (North) for offences punishable under Sections 318(4) and 316(2) of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023.

2. Learned counsel for the petitioner submits that bare perusal of impugned FIR would reveal that no criminal case is made out against the petitioner under the alleged offences for which FIR has been lodged. Counsel submits that there is no inducement on the

part of the petitioner. He further submits that the petitioner issued the cheque in order to discharge the liability, which was dishonoured. Counsel submits that merely dishonour of the cheque would not constitute the offence punishable under Section 318(4) of BNS (Section 420 of IPC). Counsel submits that in these facts and circumstances of the case, the impugned FIR is nothing but sheer abuse of process of law.

3. Learned State counsel vehemently opposed the prayer made by learned counsel for the petitioner. She places the factual report dated 19.08.2026, received from the concerned Police Station and the same is taken on record. She submits that according to the investigation conducted so far, the alleged offences have been found proved against the petitioner as being a sales representative of the complainant-firm, the petitioner was under an obligation to collect the amount from the customers of the complainant-firm and deposit the same in the firm's account. Despite this, though the petitioner collected the said amount, but he did not deposit the same in the firm's account. In these circumstances, the present petition may be dismissed.

4. I have considered the submissions and perused the material available on record as well as the impugned FIR and factual report.

5. Perusal of the FIR and factual report reveal that the petitioner was engaged in the complainant-firm as a sales representative and he was under an obligation to collect the amount from the customers of the complainant-firm and deposit the same in the firm's account. However, though the petitioner

collected the said amount from the customers, but he did not deposit the same in the firm's account and thereby, the petitioner cheated the complainant-firm, which has been admitted by him in the written compromise entered with the complainant-firm. The factual report also shows that till date, the petitioner has never appeared before the Investigating Officer for investigation despite repeated summons. The FIR discloses the commission of cognizable offences and the investigation conducted so far reveals that prima facie offences are made out against the petitioner. Thus, the case of the petitioner is not covered by the guidelines prescribed by Hon'ble Supreme Court in **State of Haryana & Ors. vs. Ch. Bhajan Lal & Ors., 1992 Supp (1) SCC 335**. Learned counsel for the petitioner has failed to satisfy this Court as to existence of any such exceptional or attending circumstance under which, even if the FIR discloses commission of a cognizable offence, it can be quashed.

6. Therefore, in facts and circumstances of the case, the allegations levelled by the complainant in the FIR are required to be investigated by the Investigation Agency. Thus, this Court does not find a good ground to quash the FIR against the petitioner.

7. Accordingly, the present Cr. Misc. Petition is hereby dismissed.

8. Stay application and pending application(s), if any, stand disposed of.

(ANIL KUMAR UPMAN),J

40/Dushyant