HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 3380/2026
CNR: RJHC020501632026 | URN: CRLMP / 7567U / 2026

1. Narendra Lunia S/o Prakash Chand Lunia, Aged About 63 Years, R/o 10/264, Lunia House, Niti Marg, Civil Lines, Ajmer, Rajasthan - 305001.
2. Divyansh Lunia S/o Narendra Lunia, Aged About 38 Years, R/o 10/264, Lunia House, Niti Marg, Civil Lines, Ajmer, Rajasthan - 305001.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Pavitra Kothari S/o Daulatraj Kothari, Aged About 48 Years, R/o 101, Gokul Dham, Omkar Nagar, Civil Lines, Ajmer-305001.

----Respondents

For Petitioner(s)	:	Mr. Vedant Agarwal
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Madhav Mitra, Senior Advocate with Mr. Rahul Agrawal and Mr. Veerendra Singh Mr. Laxman ASI, P.S. Civil Lines, Ajmer

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HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

25/08/2026

1. Instant misc. petition under Section 528 of BNSS is filed for quashing and setting aside FIR No. 135/2026 dated 10.05.2026, registered at Police Station Civil Lines, Ajmer, for offences under Sections 389, 406, 420 and 120-B of IPC.
2. Learned counsel for the petitioner has placed reliance upon the judgment of the Hon’ble Supreme Court in the case of **Radheshyam and Ors. Vs. State of Rajasthan and Anr.,**

Criminal Appeal No. 3020 of 2024, decided on 22.07.2024, and submitted that the dispute is of civil nature and, therefore, the FIR is liable to be quashed.

3. Learned Senior Advocate appearing on behalf of the complainant has opposed the contention and submitted that after the agreement and without performance, the property was further mortgaged with another bank and a loan of Rs. 8.44 crore was obtained by the petitioners.

4. Learned Public Prosecutor has submitted a report received from Police Station Civil Lines and submitted that Investigating Officer Laxman, ASI, Police Station Civil Lines, is present before the Court.

5. Heard learned counsel for the petitioner, learned Senior Advocate appearing on behalf of the complainant and learned Public Prosecutor and perused the material placed on record.

6. With the consent of the parties, the misc. petition is disposed of with the following directions:

> 1. The matter shall be further investigated by the SHO, Police Station Civil Lines, Ajmer, as expeditiously as possible and draw a conclusion preferably within a period of six weeks from date of receipt of copy of the order.
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> 2. The petitioners shall join the investigation and, if they intend to submit any material in their defence, they shall be at liberty to submit to the concerned SHO (I.O.), who shall take such material on record.

3. The complainant shall also be at liberty to submit any further evidence or material which he seeks to rely upon, in addition to the material already submitted to the Investigating Officer.

4. The SHO/Investigating Officer shall draw conclusion on the basis of a fair and impartial investigation. In case the Investigating Officer intends to arrest the present petitioners, at least two weeks' prior notice shall be given to the petitioners.

5.The petitioners shall not be arrested for a period of four weeks from today but they shall cooperate with the Investigating Officer during the investigation.

7. Accordingly, the misc. petition, misc. application and stay application(s), if any, stand disposed of.

(ASHOK KUMAR JAIN),J

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