
(2011) 01 RAJ CK 0040

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 1877 of 2010

Jai Ram and Another

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 18-01-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 384, 500

Citation : (2011) 5 RCR(Criminal) 505 : (2011) 2 RLW 1156

Hon'ble Judges : M.C. Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mahesh Chandra Sharma, J.—By filing instant criminal misc. Petition u/s 482 Code of Criminal Procedure the Petitioners have prayed for quashing and setting aside the FIR No. 94/2010 registered at P.S. Bansoor District Alwar for the offence under Sections 384 and 500 IPC.

2. Brief facts of the case are that the complainant Respondent No. 2 lodged an FIR No. 94/2010 on 19.3.2010 at P.S. Bansoor, Alwar for the offence under Sections 384 and 500 IPC against the Petitioner and the persons regarding the alleged incident taken place on 1.1.2009 alleging that the complainant and other persons were called in meeting of their society (Samaj) and made allegations that they had got beaten one person of the village. In the meeting of the Samaj Rs. 21,000/- from each were forcibly taken and they were dragged out from the Samaj. The persons of Samaj threatened them of killing if report of this incident will be lodged.

3. When this criminal misc. Petition was filed Mr. B.M. Gurjar, Advocate put in appearance on behalf of the Petitioners. On 7.12.2010 it was stated by Mr. Gurjar that the accused Petitioners will enter into the compromise with the complainant party and he will submit the compromise before this Court on 13.12.2010. Because of the aforesaid reason this Court extended the interim order which was

with regard to the arrest of the accused Petitioners, granted earlier on 6.10.2010. The case was again listed in the Court on 15.12.2010 and on the aforesaid date Mr. Gurjar also sought time for the same. Thereafter, the accused Petitioners engaged Mr. Rinesh Gupta, Advocate and he put in appearance on behalf of the accused Petitioners. He made a statement at Bar that both the parties i.e. the accused Petitioners and the complainant party did not want to enter into the compromise; meaning thereby that on the previous date Mr. Gurjar has made false statement before the Court and it is alone a sufficient ground to dismiss the criminal misc. Petition filed by the accused Petitioners.

4. In the result this criminal misc. Petition is dismissed only on the ground of false statement of Mr. B.M. Gurjar, Advocate.

5. Since the main petition has been dismissed, the stay application also stands dismissed.