



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

S.B. Criminal Miscellaneous (Petition) No. 3808/2022

Smt. Rashmi Sharma

-----Petitioner

Versus

State Of Rajasthan, Through P.P.

-----Respondent



For Petitioner(s) : Mr. Dikshant Jain
For Respondent(s) : Mr. Imran Khan, PP

HON'BLE MR. JUSTICE BIRENDRA KUMAR

Order

14/07/2022

Heard the parties.

Petitioner had filed a criminal complaint 18 of 2016 against her husband Rajendra Sharma for the offence punishable under Section 494 IPC. Later on, petitioner prayed for withdrawal of the complaint case. Prayer for withdrawal of complaint of bailable offence was not considered rather kept pending by the court below, hence instant petition under Section 482 Cr.P.C. for quashing of the entire criminal case.

This Court asked the court below to explain the reason for not allowing the prayer of the petitioner to withdraw the complaint case. Explanation dated 08.07.2022 makes it clear that record was pending for appearance of the accused after cognizance. The learned court below has reported that application for withdrawal



dated 12.03.2022 was filed by the petitioner before the bench of Lok Adalat and the bench called for the judicial record.

The aforesaid report of the court below is contrary to the petition of the petitioner at Annexure-3 which was filed on oath on 12.03.2022 before the court below itself. Court below further explained that on the next date fixed in the case, petitioner was not present, in the circumstance petition for withdrawal of complaint case remained pending.

The explanation of the court below does not deserve acceptance because the explanation is against the material on the record. Moreover there was no reason to send the record to Lok Adalat when both the parties were not present before the court because Lok Adalat could not have done anything without consent of the parties. The inaction of the court below has led to unnecessary harassment to the petitioner to approach this court ventilating the same grievance. If the Public Prosecutor was prosecuting the matter, it was itself alien to the scheme of Cr.P.C, therefore prayer of petitioner stands allowed and the pending criminal case stands hereby quashed.

Let a copy of explanation of the court below alongwith this order be placed before Hon'ble the Chief Justice for consideration in the administrative side.

(BIRENDRA KUMAR),J

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