



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

S.B. Criminal Misc. Stay Petition No. 210/2022

IN

S.B. Criminal Misc(Pet.) No. 269/2022

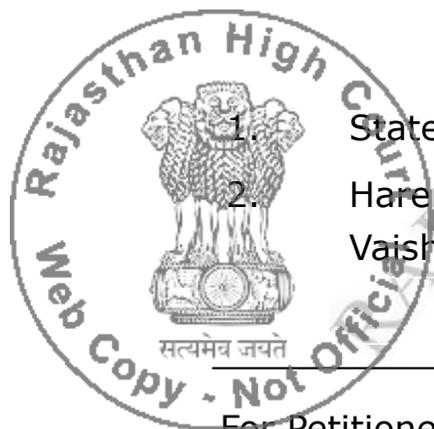
Pratip Chadhuri S/o Shri Pramada Nath Chaudhuri, Aged About
67 Years, R/o H.no. 1591 A, Block - H, Cr Park, New Delhi -
110019

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Harendar Singh S/o Dilip Singh, R/o C 22 Vaishali Marg,
Vaishali Nagar, Jaipur.

-----Respondents



For Petitioner : Mr. P. Chidambaram, Sr. Advocate
(through VC) assisted by
Mr. Akhilesh Rajpurohit (through VC)
Mr. Karan Batura (through VC)
Mr. R.K. Gossain (through VC)
Mr. Ashu Kansal (through VC)

For Respondent No.1 : Mr. Mahipal Bishnoi, PP

For Respondent No.2 : Mr. Saransh Saini (through VC)

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

24/01/2022

The matter comes up for consideration of stay petition preferred on behalf of the petitioner seeking staying of further proceedings pending before the Chief Judicial Magistrate, Jaisalmer (for short 'the trial court') in the Final Report No.80/2016, arising out of FIR No.37/2015 of Police Station Sadar, District Jaisalmer.



Vide impugned order, the trial court took cognizance against the petitioner and other co-accused persons for the offences under Sections 420, 409 read with Section 120-B IPC.

Learned counsel for the petitioner has argued that dispute between the parties is purely of civil nature and taking into consideration this fact, the Hon'ble Supreme Court has already quashed the FIR No.605/2017 registered at Jaipur vide its order dated 23.10.2017 passed in Civil Appeal No.16929/2017, arising out of SLP(c) No.18195/2017. It is submitted that allegations levelled in that FIR are identical to the allegations levelled in the FIR No.37/2015 of Police Station Sadar, District Jaisalmer. It is further submitted that once this Court is seized of the matter and in similar petitions also, notices have already been issued to the rival parties, it would be in the fitness of things that further proceedings pending before the trial court may be stayed.

Learned counsel for the respondent No.2 has vehemently opposed the prayer made on behalf of learned counsel for the petitioner with regard to stay further proceedings pending before the trial court. It is argued that the allegations levelled in the FIR No.605/2017 registered at Jaipur, which has already been quashed by the Hon'ble Supreme Court are entirely different from the allegation levelled in the FIR No.37/2015 of Police Station Sadar, District Jaisalmer. It is also submitted that the petitioner is having a statutory remedy of filing criminal revision petition under Section 397 and 401 Cr.P.C. before the District court, therefore, in view of availability of the statutory remedy to the petitioner, this Court should not interfere in the matter.

Learned counsel for the respondent No.2 has also submitted that as a matter of fact, the petitioner had preferred a revision



petition before the District Judge, however, the same has been withdrawn and taking into consideration the above fact also, further proceedings pending before the trial court are not liable to be stayed.

Heard learned counsel for the parties.

It is true that ordinarily when statutory remedy is available to the parties, the High Court should refrain itself from interfering in the order passed by the trial court, however, this itself will not limit the inherent powers of the High Court under Section 482 Cr.P.C, I am of the opinion that points raised in the petition are prima facie having force.

I am also of the opinion that when this Court is already seized of the matter and two other petitions filed by other co-accused persons are also pending before this Court, it would be appropriate that the trial court should not be allowed to proceed further in the matter.

Hence, further proceedings in connection with the Final Report No.80/2016, arising out of FIR No.37/2015 of Police Station Sadar, District Jaisalmer, pending before the trial court are hereby stayed till final disposal of SB Criminal Misc. Petition No.269/2022.

Stay petition is disposed of accordingly.

(VIJAY BISHNOI),J

150-Arun/-