



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

S.B. Criminal Misc(Pet.) No. 1328/2018

Bharti Sharma D/o Sh. Suresh Kumar Sharma, R/o 202,
Frontwear Aolony, Adarsh Nagar, Jawahar Nagar, Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan Through P.p.
2. Tarun Kumar Chaklan S/o Shri Babu Lal Chaklan, M/s.
Balaji Properties, Ratangarh, District Churu Raj.

-----Respondents

For Petitioner(s) : Mr. Nishant Bora

For Respondent(s) : Mr. Neeraj Kr. Gurjar, AAG
Mr. Vikram Singh Rajpurohit, Dy.G.A.
Mr. C.S. Kotwani
Ms. Swati Shekhar Kotwani

HON'BLE MR. JUSTICE FARJAND ALI

Order

11/02/2025

1. By way of filing the instant Misc. Petition, the petitioner is seeking quashing of the FIR No.181/2016 registered at Police Station Ratangarh, District Churu for the offence under Sections 452, 447, 380, 420, 467, 468 of the IPC.
2. The petitioner happens to be daughter of accused Suresh Kumar, who has now been charge-sheeted and criminal proceeding is going on in relation to an offence pertaining to FIR No.181/2016 registered at Police Station Ratangarh. The investigation with regard to petitioner was kept pending.
3. I have heard the learned counsel for the parties and gone through the contents of the FIR and other material available on record.



4. The sum and substance of the allegations levelled in the FIR would be that the complainant entered into an agreement to sale a property with the accused Suresh Kumar. He received an amount from the complainant for which it is alleged that the same were delivered under the influence of dishonest inducement. Presence of the petitioner is nowhere alleged either in the FIR or in the statement. There is no whisper or even tissue of evidence to array her as an accused.

4.1. It is the case of the prosecution that after around two years, some amount was transferred by her father in her account and on the basis of which she is going to be booked as an accused in this matter saying that since the amount was relatable to the upfront amount given by the complainant to her father, therefore, she is also an accused. The rule of vicarious liability is not applicable here. The allegations are for committing offence under Section 420, 467, 468 of the IPC. There is no allegation of hatching criminal conspiracy by the petitioner with her father or any connivance with regard to giving inducement to the complainant and causing loss to him.

5. Shri C.S. Kotwani learned counsel candidly admits that a father can transfer some money to his daughter and he also generously accepts that no amount was given to her by the complainant. As a matter of fact, the transfer of amount in account of the petitioner was made after lapse of around two years.

6. After hearing counsel for the parties and going through the content of the FIR and other material, this Court feels that infact



no case is made out for the prosecution to book her as an accused in the instant matter.

7. Accordingly, the instant Misc. Petition is allowed. It is ordered that all the proceedings pursuant to FIR No.181/2016 registered at Police Station Ratangarh, District Churu is hereby quashed and set aside qua the petitioner.

(FARJAND ALI),J

12-Mamta/-

