

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1146/2025
Babu Lal S/o Shri Natha Ram, Aged About 49 Years, R/o 514, Patel
Krishi Farm, Ban Ganga, Ward No. 1, Bilara, District Jodhpur,
Rajasthan.

-----Petitioner

Versus

The State Of Rajasthan, Through Public Prosecutor.

-----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 4941/2024
Poonma Ram S/o Tulsha Ram, Aged About 32 Years, R/o
Nayawada, Janiyon Ki Dhaani, Bagora, Jalore, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan Through Public Prosecutor.
2. Ajay Singh, Senior Deputy Secretary Rajasthan, Public Service
Commission, Ajmer.

-----Respondents

S.B. Criminal Miscellaneous (Petition) No. 5795/2024
Urmila W/o Poonma Ram, R/o Janiyon Ki Dhani, Bagora, Jalore,
Rajasthan At Present Residing At Village Nayawada, Police Station
Bagora, District Sanchore, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Ajay Singh, Senior Deputy Secretary Rajasthan, Public Service
Commission, Ajmer.

-----Respondent

For Petitioner(s)	:	Mr.Punit Jangid Mr.Sahil Rajpurohit for Mr.Deepak Chauhan
For Respondent(s)	:	Mr.MS Shekhawat, Dy.GA with Mr.Vinod Sharma Mr.Kanhiya Lal, Addl.SP, SOG Ajmer Mr.Mojendra Singh, ASI, SOG Ajmer Mr.MF Baig, for RPSC

HON'BLE MR. JUSTICE SAMEER JAIN**Judgment****RESERVED ON :: 01/07/2025****PRONOUNCED ON :: 4/07/2025****REPORTABLE :**

1. Given that the present batch of petitions encompasses identical reliefs, are filed by the co-accused-petitioners vis-à-vis an FIR pertaining to use of unlawful means in a public examination scheduled on 15.10.2022 by the Rajasthan Public Service Commission (hereinafter referred to as "RPSC") and involves interrelated legal and factual issues, and with the consent of the learned counsel representing the respective parties, these matters are consolidated and are being adjudicated upon by this common judgment. It is further clarified that the findings and directions contained herein shall apply *mutatis mutandis* to all connected petitions. Since the FIR predates the enactment of the new criminal laws, references in this judgment are to the provisions of the erstwhile law. However, provisions that are *pari materia* are to be construed together, read harmoniously and uniformly, insofar as they are materially identical.

2. The present batch of petitions are filed with a plea to invoke inherent jurisdiction of the Court under Section 528 B.N.S.S./482 of Cr.P.C. for quashing the F.I.R. No. 101/2024 dated 20.03.2024 registered at Police Station Civil Lines, Ajmer for the offences under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC and Sections 3 and 10 of Rajasthan Public Examination



(Measures for Prevention of Unfair Means in Recruitment) Act, 2022, and the entire proceedings arising therefrom.

3. For the sake of convenience and handiness, petitioner in SBCRLMP No. 1146/2025 is referred as Petitioner-1, SBCRLMP No. 4941/2024 as Petitioner-2 and in SBCRLMP No. 5795/2024 as Petitioner-3.

FACTS OF THE CASE :

4. The FIR in question was lodged by Shri Ajay Singh Chouhan, Senior Deputy Secretary of the Rajasthan Public Service Commission (RPSC), Ajmer. It sets forth that one Kamla Kumari D/O Bhar Mal, had applied on 02.06.2022 for the post of Lecturer (Hindi) under the Lecturer (School Education) Competition Exam, 2022 citing that she was then pursuing post-graduation at VMO University, Kota, with her results pending. Following the competitive examination, she secured provisional selection at serial number 7, and was summoned for document verification in-between 31.07.2023 and 14.08.2023, whereupon the candidate-Kamla Kumari appeared on 10.08.2023. During document verification, it was discovered that the candidate had submitted a degree issued by Mewar University, Chittorgarh, dated prior to her online application. Upon noticing this discrepancy, RPSC solicited a certification from Vardhaman Mahavir Open University, Kota, confirming that her academic status as declared in the application rendered her ineligible. Consequently, an FIR was registered against Kamla Devi (Annexure-1). The FIR encompasses allegations of a large-scale conspiracy involving fabrication of educational credentials; it was contended that certain individuals

procured and distributed forged degree certificates from Mewar University in order to secure illicit benefits. This FIR was subsequently entrusted to the Special Operations Group (herein after referred to as "SOG"), Rajasthan, for investigation.

SUBMISSIONS BY COUNSEL REPRESENTING THE PETITIONERS :

5. At the very outset, learned counsel appearing for the petitioners submitted that, at the time of registration of the impugned FIR, the names of the petitioners did not figure therein, as no evidence or material was available to *prima facie* connect them with the alleged offence. It was contended that, during the course of investigation, the name of the petitioner-1 came to be interpolated into the record solely on the basis of an alleged association with a mobile phone number purportedly linked to the conspiracy. It was further submitted that it is alleged that the said mobile number was utilized by petitioner-1 to orchestrate the commission of the offence in question. However, no witness statements, documentary evidence, or identification proceedings have been brought on record to implicate petitioner-1. Learned counsel argued that the purported linkage rests merely on speculative inferences drawn by the Special Operations Group (SOG).

6. It was further brought to the notice of this Court that, in the reply furnished by Vardhaman Mahaveer Open University, Kota, to the RPSC, it was categorically stated that Kamla Kumari was issued the degree of M.A. (Hindi) only on 20.12.2022. Therefore, it stands unambiguously established that she was

ineligible to be selected for the post in question. Learned counsel further submitted that, during investigation, the SOG subsequently included the name of Dalpat Singh, brother of the accused, who allegedly engaged petitioner-3, wife of petitioner-2, to impersonate Kamla Kumari as a dummy candidate in consideration of financial gratification of Rs.10,00,000/- (Rupees Ten Lakhs Only).

7. In this context, learned counsel urged that, on the date of the alleged incident i.e., 15.10.2022, petitioner-2 was himself travelling to a remote location, rendering it highly improbable for him to have escorted his wife-petitioner-3 to the examination centre to act as a dummy candidate. It was emphasized that no call detail records are placed on record to substantiate that accused-petitioners 2 and 3 were in contact with Dalpat Singh or Kamla Kumari.

8. Learned counsel for the petitioners, in unison, contended that the petitioners herein were neither named in the FIR nor is there any substantial evidence brought on record to establish their involvement in the alleged offence. It was further submitted that no witness statements exist to corroborate any of the imputations leveled against the petitioners. Learned counsel argued that the petitioners are young individuals whose entire careers stand imperiled merely by virtue of their names being included in the charge sheet. In support of their contentions, reliance was placed upon the ratio passed by the Hon'ble Supreme Court in **State of Andhra Pradesh vs. Chekka Guru Murali Mohan & Ors., SLP (Crl) No. 2636/2021.**

SUBMISSIONS BY LEARNED COUNSEL FOR THE RESPONDENTS :

9. Learned counsel for the respondents, assisted by officials from the SOG, vehemently opposed the submissions advanced on behalf of the petitioners. It was submitted that although the petitioners' names were not initially included in the FIR, they were incorporated in the charge-sheet only after a strenuous and thorough investigation. Learned counsel contended that during the course of the inquiry, the Investigating Authority established demonstrable links between the petitioners and the conspiracy, both through physical evidence and digital correspondence, thereby justifying their inclusion in the charge-sheet.

10. It was further submitted that the SOG submitted a comprehensive factual report, confirming that the present case involves two intertwined criminal activities, namely, the fabrication of educational documents and impersonation to secure public employment. Emphasis was placed on the gravity of the offences, involving forgery under Sections 467, 468, 471 of the Indian Penal Code and deception by impersonation, thus raising issues of profound public importance. Learned counsel contended that permitting the impugned FIR to be quashed at this stage would not only undermine the integrity of public examinations but also cast serious prejudice upon all legitimate aspirants, thereby affecting societal faith in institutional processes.

11. Learned counsel additionally highlighted that the petitioners, for a considerable period, absconded and withheld

cooperation, thus evincing consciousness of guilt. Learned counsel submitted that intervention at this stage would invariably frustrate the ongoing criminal process, thereby stifling the ends of justice and diluting public trust in criminal adjudication.

DISCUSSION AND FINDINGS :

12. Having heard the arguments advanced by the learned counsel appearing for various parties, taking note of the material available on record, and upon an assiduous scanning of the factual report furnished by the Superintendent of Police, SOG, Ajmer, this Court finds no merit for interference and quashing of the impugned FIR, as the allegations reveal *prima facie* cognizable offences under Sections 467, 468, 471, and 120-B IPC, pertaining to forgery of educational credentials, impersonation, and conspiracy which implicate the integrity of the public employment system. These are grave offences “of public importance” nevertheless, if the FIRs of such nature if quashed prematurely would result in abuse of the legal process and prejudice legitimate aspirants.

13. Furthermore, it is noteworthy that the investigating agency-SOG conducted an arduous investigation, established links between accused petitioners and conspiracy, and filed a charge-sheet. Even though petitioners were not named in the FIR, their names were justifiably introduced post-investigation, under safeguards of due process. Their alleged abscondence and non-cooperation further detracts from any case of *malafide* prosecution. It is also pertinent to observe that, upon investigation, the SOG has *prima facie* drawn the following

conclusions, and only on the basis of the following the charge-sheet is filed; howsoever, the following being a part of the investigation is subject to judicial scrutiny which shall be initiated during trial:

13.1 That during the course of document verification, upon encountering doubts regarding the authenticity of the marksheet and degree submitted by the candidate-Kamla Kumari, the complainant sought clarifications from both the universities concerned. In response, a certification from Vardhaman Mahavir Open University, Kota, was received by RPSC confirming that her academic status as declared in the application “appearing” rendered her ineligible.

13.2 That upon examination of the call detail records and the geo-location data of the accused-petitioners vis-à-vis the prime accused, Kamla Kumari, it is ascertained that the individuals named in the charge-sheet were in consistent contact with one another and maintained a reasonable nexus relevant to the alleged acts.

13.3 That as per the digital video recording retrieved from the examination centre, it is *prima facie* established that the individual who appeared under the identity of the applicant Kamla Kumari was, in fact, petitioner no. 3.

13.4 That further analysis of communications conducted through WhatsApp messaging and telephonic conversations among the persons named in the chargesheet indicates that petitioner nos. 2 and 3, acting in concert, engaged in

impersonation during a public examination in consideration of monetary gratification.

13.5 That the investigation has also revealed that the accused-petitioners maintained internal connections with an individual affiliated with the university concerned, who, for pecuniary benefit, facilitated the procurement of a fabricated degree certificate.

14. Accordingly, the present batch of petitions fail the established test enunciated in **Bhajan Lal v. State of Haryana, AIR 1992 SC 604**, which stipulates that only in “rarest of rare cases” should the extraordinary powers of High Court under the jurisdiction of section 528 BNSS be exercised; namely when allegations, even if accepted at face value, do not make out a cognizable offence, or if registration is with mala fide intent, collusion or ulterior motive. Here, neither of these conditions is established. Moreover, the allegations warrant thorough trial.

15. Nonetheless, it is a settled principle of law that *quo ad judex non lapsus* meaning that the court intervenes only where process is abused, and not in ordinary manner. Moreover, Apex Court in the State **of Maharashtra and Ors. Vs. Maroti: Criminal Appeal No, 1874/2022 [Arising out of SLP (Crl.) No. 718/2022]** has categorically held as follows:

"1. Exercise of power Under Section 482 Code of Criminal Procedure is an exception and not the Rule and it is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone Courts exist.

2. *If FIR and the materials collected disclose a cognizable offense and the final report filed Under Section 173(2), Code of Criminal Procedure on completion of investigation based on it would reveal that the ingredients to constitute an offence under the POCSO Act and a prima facie case against the persons named therein as Accused, the truthfulness, sufficiency or admissibility of the evidence are not matters falling within the purview of exercise of power Under Section 482 Code of Criminal Procedure and undoubtedly they are matters to be done by the Trial Court at the time of trial.*

3. *The impugned judgment resulting in quashing of the stated FIR and the charge-sheet throttling the prosecution at the threshold, without allowing the materials in support of it to see the light of the day, cannot be said to be as an exercise done to secure interests of justice whereas it can only be stated that such exercise resulted in miscarriage of justice."*

16. Reliance can also be placed upon the ratio encapsulated in **Ramveer Upadhyay and Anr. Vs. State of U.P.: SLP (Crl) No. 2953/2022** and **Central Bureau of Investigation Vs. Aryan Singh: 2023 SCC OnLine SC 379**.

17. In light of the foregoing, this Court finds that the petitioners have failed to advance any tenable ground for quashing the FIR or charge-sheet. The findings recorded by the Special Operations Group (SOG), based on documentary evidence, forensic scrutiny, electronic communications, geo-location data, and visual records, collectively substantiate a *prima facie* case against the petitioners, encompassing offences of forgery, impersonation, and criminal conspiracy, all of which are of

substantial public importance. Instead, the Court reiterates that the proceedings must advance to full adjudication at trial, thereby safeguarding the public interest and maintaining confidence in the integrity of public examinations.

18. Consequently, the petitioners are hereby directed to extend their full cooperation with the ongoing investigation. In the absence of any substance in their submissions, the present petitions are dismissed *in limine* for want of merit. Pending applications, if any, stand disposed of accordingly.

(SAMEER JAIN),J

Preeti Asopa