

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36166 of 2023

Applicant :- Hidayatullah

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Kavindra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

Heard Sri Kavindra Singh, learned counsel for the applicant and Sri Rajesh Kr. Singh, learned A.G.A. for the State.

The present application has been filed for quashing the impugned charge sheet No. 73A/2023 dated 5.6.2023 as well as summoning order dated 1.7.2023 and entire criminal proceeding of S.S.T. No. 527 of 2023 (*State vs. Hidayatullah and others*), arising out of Case Crime No. 59 of 2023, u/s 354-A I.P.C. and Sections 7/8 and 11/12 POCSO Act, P.S. Mardah, District Ghazipur, pending before Upper Sessions POCSO Court Ghazipur.

Contention of learned counsel for the applicant is that the applicant was not named in the F.I.R. and no allegation was made against him in the statement of the victim girl, recorded u/s 161 Cr.P.C. However, in the statement of the victim, recorded u/s 164 Cr.P.C., name of the applicant was mentioned, but no specific allegation of outraging her modesty was made.

However, on considering the allegations made in the statement u/s 164 Cr.P.C., it is clear that the applicant had shown porn videos to the victim girl and also sexually assaulted her. Therefore, no case for quashing the impugned proceeding is made out.

Accordingly, the application is **rejected**.

Order Date :- 9.11.2023

Vandana