

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38273 of 2023

Applicant :- Smt. Rookshana

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Neeraj Singh Yadav,Dinesh Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State and perused the record.
2. The present 482 Cr.P.C. application has been filed to quash the order dated 17.08.2023 passed in Misc. Case No.352 of 2023 (Smt. Rukshana Vs. Mustkeem and others) filed under Section 156 (3) Cr.P.C., passed by the court of Special Judge, POCSO Act, Banda, P.S. Kotwali Nagar, District Banda.
3. Counsel for the applicants submits that application under Section 156(3) Cr.P.C. rejected by the learned court below is without application of mind as prima facie offence is made out against the opposite party nos. 2 to 6 but the learned court below has not applied judicial mind and has not considered the contents alleged in the application and illegally rejected the application.
4. Per contra, learned A.G.A. vehemently opposed the submission of counsel for the applicant and submits that 482 is not maintainable.
5. Considered the argument raised by counsel for the parties and perused the record. By filing instant 482 Cr.P.C. application, the applicant has challenged the rejection of application under Section 156 (3) Cr.P.C. A Full Bench of this Court in **Father Thomas Vs. State of U.P. Father Thomas Vs. State of U.P** has held that, no revision, 482 Cr.P.C. or writ petition is maintainable against the rejection of application under Section 156 (3) Cr.P.C. and appropriate remedy is to file complaint under Section 190 (1) (b) read with Section 200 Cr.P.C.
6. With the aforesaid observation, present 482 Cr.P.C. is devoid of merit, hence dismissed.

Order Date :- 16.10.2023

Meenu Singh