

A.F.R.

Court No. - 15

Case :- CRIMINAL APPEAL No. - 1929 of 2021

Appellant :- Subhadra

Respondent :- State Of U.P. And 6 Ors.

Counsel for Appellant :- Ashutosh Pathak, Avinash Kumar

Counsel for Respondent :- G.A., Illegible, V.K. Tripathi, Vinay Prakash Tiwari

Hon'ble Shamim Ahmed, J.

1. Heard Sri Ashutosh Pathak, learned counsel for the appellant, Ms. Chaaru Singh, learned A.G.A. for the State and perused the entire record.

2. This Criminal Appeal under Section 14-A (1) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred against the impugned order dated 14.10.2021 passed by learned Special Judge, S.C./S.T. (P.A.) Act, Lucknow, in Criminal Misc. Application No. 299 of 2021, under Section 156 (3), Cr.P.C., Police Station Madiyaon, District Lucknow, whereby application of the appellant has been rejected.

3. Learned counsel for the appellant submits that the appellant had moved an application under Section 156(3), Cr.P.C. for lodging of an F.I.R., which was rejected by the impugned order dated 14.10.2021, without considering the averments made in the application. He further submits that the incident had actually taken place and there was no any intention of the appellant to take revenge or to file a case in counterblast of the case, which was filed by the opposite parties against the mother and brother of the appellant, thus, the impugned order be quashed and a direction be issued to the Court below to pass an order for registration of the first information report.

4. Miss Chaaru Singh, learned A.G.A. has submitted that the impugned order is perfectly just and legal and no interference is required in the matter at this stage.

5. From the averments made in the application filed under Section 156(3), Cr.P.C., it appears that the appellant wants to implicate the entire family in a false case, which is nothing, but a counterblast of the case, which was filed against the mother Ramadei alias Ramkali and brother Pintoo Kannaujia of the appellant bearing Case Crime No. 741 of 2017 under Sections 326, 452, 147, 148, 323, 504, 506, I.P.C., in which after investigation chargesheet has also been submitted against the mother and brother of the appellant. It has also been submitted by the learned A.G.A. that the appellant herself has also filed a Complaint Case bearing No. 380 of 2018 against one Ram Charitra Mishra, one of the opp. parties herein. It has also been submitted by the learned A.G.A. Miss Chaaru Singh that from a plain reading of the case set up by the appellant it is clear that she one after another made allegations against the opposite parties regarding the incident from 2017 till 2021, whereas she is a married lady and only to give colour to the gravity of the offence she has shown her presence in her parental house and also showed that she is pregnant. She also submits that from a perusal of the averments made in para Nos. 5, 6, 7 and 11 the story totally appears to be improbable and unbelievable. She particularly emphasised that in the array of the opposite parties there are some young boys who are students and it appears that it is a ploy of the appellant to destroy the entire career of these aspirants, who are seeing their future in competitive examinations and also trying for better job, thus, the intention of the appellant is very much clear, and as she belongs to the SC/ST Category and the opposite parties belong to the higher caste, she wants to falsely implicate them to ruin their career

and also to get some financial aid by the State Exchequer, thus, the Court below has rightly rejected the application filed by the appellant under Section 156 (3), Cr.P.C. and a reasoned and detailed order has been passed, thus, no interference is required by this Court in the matter and the present appeal deserves to be dismissed.

6. After considering the arguments, as advanced by the learned counsel for the parties and after perusal of the impugned order as well as the averments made in the application filed by the appellant under Section 156 (3), Cr.P.C., this Court is of the view that the entire exercise adopted by the appellant is nothing, but with *mala fide* and arbitrary intention, only to falsely implicate the opposite parties, in which there are some young students and aspirants looking for their future in competitive exams for job and if once a case is registered against them, their entire future shall be ruined. Thus, the Court has to protect the future and interest of these type of students and also to frustrate such type of activities, which are being adopted with the intention to falsely implicate the persons, who have no concern at all with the incident alleged and are future of the nation, thus, their appears force in the arguments, as advanced by the learned A.G.A. Miss Chaaru Singh that the entire story as developed by the appellant in para Nos. 5, 6, 7 and 11 appears to be totally improbable and unbelievable. The appellant has tried to connect the incidents from 2017 till 2021 with the opposite parties, but since she failed in her all attempts, the said application has been moved to anyhow get an order from the Court for lodging of the first information report against the persons, who have no concern at all regarding the said incident, thus, this Court after perusal of the impugned order is fully justified by the reasoning given by the Court below and as there is already a case filed against the mother and

brother of the appellant by the opposite parties bearing Case Crime No. 741 of 2017 under Sections 326, 452, 147, 148, 323, 504, 506, I.P.C., there appears a ploy to put pressure on the opposite parties to anyhow get the matter compromised, which has been filed against the mother and brother of the appellant.

7. There is one other criminal complaint also filed by the appellant herself against one of the appellants Ram Charitra bearing Complaint Case No. 380 of 2018, thus, it appears that the appellant, her mother and other family members are intentionally lodging and filing frivolous cases against the opposite parties to anyhow implicate them in the false case, thus, considering the principle of Natural Justice and the question of equity, this Court is of the view that no interference is required in the impugned order. The impugned order is rightly passed by the court below. The counsel for the appellant fails to demonstrate any illegality or infirmity in the impugned order, which is perfectly just, legal and valid in the circumstances of the case and no relief can be granted to the appellant against it. Accordingly, this appeal lacks merits and is hereby dismissed.

(Shamim Ahmed, J.)

Order Date :- 16.11.2023
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