

Court No. - 9

Case :- APPLICATION U/S 482 No. - 6104 of 2023

Applicant :- Smt. Anar Kali

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Deptt.
Civil Sectt. Lko And Another

Counsel for Applicant :- Ramendra Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed seeking quashing of the order dated 19.04.2023 passed by Chief Judicial Magistrate, Shravasti in Complaint Case No.868 of 2022 Anarkali Vs. Virendra Kumar and Others.

3. An F.I.R. No.0245 of 2021 came to be registered on 01.10.2021 under Section 306 I.P.c. P.S. Ikauna, District Shravasti on a complaint of the applicant alleging that the daughter of the applicant aged about 17 years was alone on 01.10.2021 and finding her alone, Virendra Kumar entered into the house and molested her, as a result of which, the daughter of the applicant committed suicide. Police, however, did not find any evidence for the said offence, and therefore, final report was submitted. Thereafter, applicant filed protest petition and the same was treated as a complaint by the Magistrate and statement of complainant as well as witness were recorded under Sections 200 and 202 Cr.P.C.

4. The Magistrate, however, before taking cognizance and issuing summons found that the statement of complainant recorded under Section 200 Cr.P.C. was not properly recorded, and therefore, the Magistrate directed for re-recording of the Statement of the complainant under Section 200 Cr.P.C.

5. This Court finds no ground to interfere with the impugned order. As if the Magistrate finds that the statement was not properly recorded, he can always direct for re-recording of the statement of the complainant or the witness, therefore, there is no substance in the present application.

6. Accordingly, the present application is hereby **dismissed**.

Order Date :- 23.6.2023/V. Sinha