

Court No. - 12

Case :- CRIMINAL REVISION No. - 1192 of 2023

Revisionist :- Shyammati

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko. And 5 Others

Counsel for Revisionist :- Krishna Kumar Bhasker, Deepak Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

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

2. Present revision has been moved by the revisionist for quashing the judgment and order dated 02.09.2023 passed by Special Judge SC/ST (P.A.) Act, Sultanpur in Criminal Misc. Case No.463/2022; Shyammati Vs. Kalpnath Dubey under Section 156(3) Cr.P.C., P.S. Chanda, District- Sultanpur.

3. Learned counsel for the revisionist submitted that the incident was reported to the police but the F.I.R. was not lodged, thereafter, application under Section 156(3) Cr.P.C. was moved before the trial court which was treated as a complaint case in place of passing the order for registering the F.I.R. and investigating the same. He further submitted that the trial court was under obligation to direct the S.H.O. concerned to register the F.I.R., therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of revisionist and submitted that there is no illegality in the order passed by the trial court as the application under Section 156(3) Cr.P.C. moved by the revisionist is treated as a complaint case and the order has been passed for producing the witnesses under Sections 200 and 202 Cr.P.C., therefore, the present revision is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the contents of revision, as well as other relevant documents, as it is well settled by this Court in the case of ***Sukhwasi Vs. State of U.P.*** in ***Criminal Revision No.1612 of 2020*** that the application under Section 156(3) Cr.P.C. can be treated as a complaint case, therefore, I am of the view that there is no illegality in the order passed by the trial court and the revision is liable to be dismissed.

6. Accordingly, the revision is hereby **dismissed**.

Order Date :- 28.10.2023

V. Sinha