

**Court No. - 12**

**Case :-** APPLICATION U/S 482 No. - 10753 of 2023

**Applicant :-** Lallu @ Zakir Ali

**Opposite Party :-** State Of U.P. Thru. Prin.Secy. Deptt. Of Home And 3 Others

**Counsel for Applicant :-** Udai Pratap Yadav,Pragya Pandey

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajeev Singh,J.**

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

2. Present application has been moved by the applicant for quashing the summoning order dated 10.07.2023 passed by Special Judge, POCSO Act/Additional Sessions Judge, Balrampur in Criminal Case No.242 of 2023 (State Vs. Lallu Alias Zakir Ali and Anr.) and charge sheet dated 24.12.2022 in Case Crime No.288 of 2022 U/S 354, 323, 504 I.P.C. and Section 7/8 of POCSO Act, P.S. Utraula, District- Ambedkar Nagar.

3. Learned counsel for the applicant submitted that only with the intention to make pressure on the applicant, the F.I.R. of case in question was lodged and the victim was used as a tool. He further submitted that during the course of investigation, ossification test of victim was conducted, in which, her age was determined to be 19 years but the Investigating Officer relied on the School Leaving Certificate of Class-II of victim, in which, her age was mentioned as 17 years and filed charge sheet, therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of applicant and submitted that after detailed investigation, charge sheet was filed. He further submitted that in the statement of victim recorded under Sections 161 and 164 Cr.P.C., she has supported the prosecution story, therefore, the application is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, statement of victim recorded under Section 161 and 164 Cr.P.C. as well as other relevant documents, as it is evident that the victim has supported the prosecution version in her statement, in such circumstances, F.I.R. cannot be quashed, therefore, this Court is of the view that the application is liable to be dismissed.

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

**Order Date :-** 2.11.2023/V. Sinha