

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11538 of 2023

Applicant :- Smt. Meena Kumari

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 4 Others

Counsel for Applicant :- Pranav Tivaree, Alok Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

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

2. The present application has been filed for quashing the impugned order dated 16.03.2023 passed by learned Additional District and Sessions Judge/Special Judge, P.O.C.S.O. Act, Gonda in Crl. Case No. 827 of 2022 (***Smt. Meena Kumari vs. Rajat Singh alias Sakirti Singh and another***).

3. Learned counsel for the applicant submits that private respondents have given bad touch to victim, tried to molest her and torn her clothes then on her alarm, and on the apprehension that other persons may come on the spot, they gave beatings to the victim and life threat with the warning not to report anywhere. He further submits that applicant went to police outpost- Babhnan, Police Station- Chhapiya and also made written complaint to Superintendent of Police, Gonda through registered post but no action was taken. He further submits that on 24.12.2022, she made complaint u/s 156 (3) Cr.P.C. and police report was sought by the concerned Magistrate, thereafter, the said application was rejected. Relying on the decision of Hon'ble Apex Court in the case of ***Lalita Kumari vs. Government of U.P. and others*** reported in ***(2014) 1 SCC 524***, he further submits that it is obligatory on the part of Station House Officer to register a case. He also relies on provisions of Section 19 of P.O.C.S.O. Act and submits that it is obligatory on the part of Station House Officer to register F.I.R. U/s 154 Cr.P.C., in case, any cognizable offense related to P.O.C.S.O. Act is reported. It is, thus, submitted that indulgence of this Court is required.

4. Learned A.G.A. vehemently opposes the prayer of applicant and submits that vague application has been moved before learned Magistrate. He further submits that there is no whisper in the said application that when he went to police outpost-

Babhnan, Police Station- Chhapiya and the date of meeting with Superintendent of Police, Gonda is also not mentioned, no any registry receipt is annexed. He further submits that learned trial court has rightly rejected the application of applicant. It is further submitted that the report was submitted by Rakesh Kumar Ojha, Sub Inspector, Police Station- Chhapiya, Gonda to the concerned Magistrate, in which, it was categorically reported that there is a land dispute between the parties and no such incident was taken place as alleged. It is further submitted that earlier one F.I.R. was already lodged as Case Crime No. 366 of 2022 U/s 323, 504, 506 I.P.C. on the written complaint of applicant against private respondent, therefore, learned trial court has rightly rejected the application and the present application is liable to be rejected with cost.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident that one F.I.R. was lodged on written complaint of applicant as Case Crime No. 366 of 2022 U/s 323, 504, 506 I.P.C., Police Station- Chhapiya, Gonda but she has not made any whisper about the aforesaid F.I.R. in her complaint or in the pleading. It is further evident from the complaint filed before learned Magistrate that no specific date and time was mentioned for visiting the concerned police outpost as well as Superintendent of Police and no any registry receipt is also annexed herein. It is further evident that in the aforementioned police report, Sub Inspector- Rakesh Kumar Ojha has categorically stated that allegations are false, no such incident was taken place and merely on the basis of false implication, the application was moved before learned Magistrate. In such circumstances, learned trial court has rightly rejected the said application.

6. With the above observations, this Court is of the view that the present application U/s 482 Cr.P.C. lacks merit and accordingly, stands **dismissed**.

Order Date :- 28.11.2023

Arpan