

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11730 of 2023

Applicant :- Rani Devi

**Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Govt. U.P. Lucknow And Another**

Counsel for Applicant :- Shishir Pradhan

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 complaint rejection order dated 10.10.2023 passed by learned Additional Chief Judicial Magistrate, Raebareli- III, in Complaint Case No. 12182 of 2023 (**Rani Devi vs. Gangaram**), Police Station- Deeh, District- Raebareli; for directing learned trial court to pass summoning order U/s 376, 504, 506 I.P.C. against opposite party no. 2.

3. Learned counsel for the applicant submits that it is alleged in the complaint that on 24.04.2023 in evening, when wheat crop was being cut by victim, her daughters (Khusboo and Pooja) and her husband (Ram Kedar) in the agricultural field of Duldul Mishra, at that time, on being realised some stomach ache, victim went for defecation in the adjoining grove. In this connection, when victim was coming back to the agricultural field after defecation then private respondent caught her on the gunpoint and gave her threat by saying that in case, she cried, she would be shot. As per the contents of the complaints, it is further alleged that due to fear of getting shot, victim remained silent and private respondent committed rape with her; as victim did not come to the agricultural field, her daughters, namely, Khushboo and Pooja entered in the grove and started searching. It is further alleged that victim's daughter entered into the said grove and saw that victim was being raped by private respondent, as a result, they started crying. On hearing the cry of both the daughters, husband of victim came in the grove, thereafter, by giving threat on gunpoint to victim, private respondent ran away. It is further submitted that in the night, victim went to Police Station- Deeh along with her husband but neither she was sent for medico legal examination nor F.I.R. was lodged. It is further submitted that on 25.04.2023, complaint was also given to Superintendent of Police, Raebareli

but the same was also not entertained then the complaint was filed on 29.04.2023 but the same was rejected by learned trial court in the most mechanical manner. 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 learned trial court has rightly observed that it is highly improbable that victim was raped by the accused person in adjoining grove that was near to the said agricultural field, in which, her two daughters and her husband were cutting the wheat crop. He further submits that registry receipt related to the application given to the Superintendent to Police concerned is not annexed herein, hence, there is no illegality in the order passed by learned trial court.

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 from the record that victim has alleged that on 24.04.2023 in evening, she was cutting the wheat crop along with her two daughters and her husband in the agricultural field of Duldul Mishra, at that time, on being realised some stomach ache, she went for defecation in the adjoining grove. In this regard, when victim was coming back to the agricultural field after defecation then private respondent caught her on the gunpoint and gave her threat by saying that in case, she cried, she would be shot. It is further alleged that due to fear of getting shot, victim remained silent and private respondent committed rape with her; as victim did not come to the agricultural field, her daughters, namely, Khushboo and Pooja entered in the grove and started searching when they entered into the said grove, they saw that victim was being raped by private respondent, as a result, they started crying. It is further alleged that on hearing the cry of both the daughters, husband of victim came in the grove, thereafter, by giving threat on gunpoint to victim, private respondent ran away. As per the case of the applicant, she went to Police Station- Deeh in the night but date of time has not been mentioned herein. It is also evident that victim has not given the description of the registry receipt, by which, the complaint was made to the Superintendent of Police concerned. Therefore, learned trial court has rightly rejected the application.

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

Order Date :- 2.12.2023

Arpan