

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11798 of 2023

Applicant :- Smt. Moni Yadav

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

Counsel for Applicant :- Sarvesh Kumar Shukla

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 material brought on record.
2. This application has been filed for quashing the order dated 30.06.2023 passed by Additional Sessions Judge, Court No. 1, Hardoi passed in Criminal Revision No. 22 of 2023 as well as order dated 09.12.2022 passed by Civil Judge (Junior Division)/FTC, Hardoi in Case No. 3200 of 2022, under Section 156(3) Cr.P.C., P.S. Kotwali City, District Hardoi.
3. Learned counsel for the applicant submits that on 31.08.2022, at about 5.30 p.m., respondent no. 2 assaulted the applicant and her family members with lathi and danda. A complaint was given to the concerned police station on the same day, i.e., on 31.08.2022, on which, F.I.R. No. 711 of 2022, under Sections 323, 504, 506 I.P.C., P.S. Kotwali City, District Hardoi was lodged on 01.09.2022 at 19.20 hrs. It is further submitted that after giving the aforesaid complaint, when the applicant came back to her house in the night of 31.08.2022, at about 11.00 p.m., respondent no. 2 again came to the house of the applicant and started assaulting, in which, she received injuries. The applicant immediately went to the hospital for medical aid, where her x-ray was done, in which, fracture in the right hand was found. Learned counsel for the applicant submits that thereafter an application under Section 156(3) Cr.P.C. was filed for lodging of the F.I.R. about the subsequent incident, but the same was rejected in mechanical manner.

The revision filed against the said order has also been dismissed vide impugned order. It is, thus, submitted that the indulgence of this Court is necessary.

4. Learned A.G.A. opposes the prayer of the applicant and submits that the incident, which had taken place later on, was in the series of the first incident. Learned A.G.A. vehemently submits that the x-ray report mentioned by the learned counsel for the applicant was also taken into consideration during the course of investigation and charge sheet was filed in the said case in added Section 325 I.P.C. It is, thus, submitted that the courts below have rightly rejected the application under Section 156(3) Cr.P.C. as well as the revision.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, F.I.R., impugned orders as well as other relevant documents, it is evident that investigation of both the incidents was clubbed by the police. Admittedly, the incident, which had taken place later on, is the consequential of the first incident and, therefore, the courts below have rightly passed the impugned orders, warranting no interference.

6. The application is devoid of merit and stands dismissed.

Order Date :- 5.12.2023

VKS