

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12229 of 2023

Applicant :- Parul Srivastava

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

Counsel for Applicant :- Shailendra Nath Shukla, Mohd. Waris
Farooqui

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 05.04.2023 passed by Chief Judicial Magistrate, Lucknow and charge sheet dated 07.02.2023 in Case Crime No.192 of 2022 U/S 419, 420, 506 I.P.C. P.S.-Gazipur, District- Lucknow.
3. Learned counsel for the applicant submitted that on the pretext of marriage, applicant was sexually abused by the private respondent and she lodged F.I.R. No.580/2021 against the private respondent, as the investigation of aforesaid case is still going on, thereafter, in retaliation, the F.I.R. of case in question was lodged implicating all the family members of the applicant and the charge sheet was also submitted against the applicant. He further submitted that there is no evidence against the applicant as she is highly qualified and completed her M.Sc. and B.T.C., therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. as well as learned counsel for the complainant opposed the prayer of applicant and submitted that after detailed investigation, charge sheet has been filed and sufficient evidences were collected by the Investigating Officer and the defence of the applicant cannot be considered at this stage. They further submitted that earlier, writ petition no.1557/2023 was filed by the applicant for quashing of the F.I.R. of the case in question on the basis of incorrect facts, as a result, petition was dismissed on 17.04.2023 with a direction to the Magistrate concerned to initiate appropriate proceedings under Section 340 Cr.P.C. read with Section 195 Cr.P.C. therefore, application is also liable to be dismissed.
5. Considering the submissions of learned counsel for the

parties, going through the contents of application, as well as other relevant documents, as it is well settled by the Hon'ble Apex Court in the case of ***C.B.I. Vs. Aryan Singh*** reported in ***2023 SCC OnLine SC 379*** that the evidences collected by the Investigating Officer cannot be evaluated at this stage, as it is also evident from the record that writ petition no.1557/2023 was filed by the applicant for quashing of the F.I.R. of the case in question but the same was dismissed, therefore, I am of the view that the present application is liable to be rejected.

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

Order Date :- 15.12.2023

V. Sinha