

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2451 of 2024

Applicant :- Neelam Mishra

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

Counsel for Applicant :- Salman Abbas

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri Salman Abbas, learned counsel for the applicant and Shri Pramod Shukla, learned AGA for the State.

The instant application has been filed for setting aside the judgment and order dated 27.02.204 passed by the learned ADJ-3 Lucknow in Criminal Revision No. 49 of 2024 and the order dated 15.07.2023 passed by the Civil Judge (Junior Division)/FTC Lucknow in Complaint Case No. 6337 of 2022 whereby the complaint under Section 156(3) Cr.P.C. has been rejected by the learned trial court.

The learned trial court has rejected the complaint on the footing that there are major inconsistencies in the statements of the complainant and the witnesses. No prima facie offence against the applicant is disclosed. The learned revising court has affirmed these findings of fact.

The learned trial court as well as the learned revising court are liable to apply their minds to all complaints

before setting the criminal law in motion. This is a fundamental safeguard to prevent harassment of innocent citizens. The learned trial court as well as learned revising court had done just that.

The trial court had the benefit of observing the demeanour of the witnesses while recording their statements. The trial court found that the witnesses were not worthy of belief. There is no reason to substitute the judgement of this Court regarding the credibility of the witnesses with the findings in this regard made by the trial court. Moreover, the aforesaid findings have been upheld by the revising court.

No perversity in the findings of fact could be pointed out by the learned counsel for the applicant.

In this wake the impugned orders order dated 27.02.204 passed by the learned AdJ-3 Lucknow in Criminal Revision No. 49 of 2024 and the order dated 15.07.2023 passed by the Civil Judge (Junior Division)/FTC Lucknow in Complaint Case No. 6337 of 2022 are not liable to be interfered with.

The application U/S 482 is dismissed.

Order Date :- 14.3.2024

Dhananjai