

Court No. - 11

Case :- APPLICATION U/S 482 No. - 6169 of 2024 (Now U/s 528 of Bharatiya Nagarik Suraksha Sanhita)

Applicant :- Mohan

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

Counsel for Applicant :- Afzal Hasan

Counsel for Opposite Party :- G.A.

Hon'ble Abdul Moin,J.

1. Heard.

2. Instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for quashing of the order dated 07.06.2024 passed by IV Additional Sessions Judge/Special Judge E.C. Act, Bahraich by which criminal revision no.67 of 2024 filed by the applicant has been rejected. Also under challenge is the order dated 22.12.2023 passed by learned Civil Judge (J.D.)/FTC Bahraich in Complaint Case No.1458 of 2022 in re: Sunita vs. Mohan by which the applicant has been summoned to face trial under Sections 376,504, 506, 354C IPC as well as praying for quashing of the entire proceedings.

3. Learned counsel for the applicant contends that the aforesaid case has only been filed by respondent no.2 herein on the basis of a dispute of Nali between the parties and no case is made out against the petitioner.

4. However, a perusal of the order dated 21.12.2023 passed by the learned Civil Judge, Bahraich would indicate that the applicant has been summoned under the provisions of Sections 376,504, 506, 354C IPC after recording the statements of the victim under Section 200 Cr.P.C. and of her husband under Section 202 Cr.P.C.

5. Perusal of the said statement of the victim, a copy of which has been filed as Annexure-5 to the petition, dated 12.09.2022 would prima facie indicate that the allegations as levelled against the applicant are true and of the applicant having indulged in the crime for which the summons have been issued.

6. Learned revisional court vide order dated 07.06.2024 has also considered the facts and circumstances of the case threadbare

and has been of the view that no case for setting aside the order dated 21.12.2023 is made out.

7. Even before this Court learned counsel for the applicant has been unable to indicate as to how the order impugned dated 21.12.2023 and the order passed by the revisional court dated 07.06.2024 are perverse apart from reiterating that on account of the enmity the said charges have been levelled against the applicant.

8. Keeping in view the aforesaid discussion no case for interference is made out. Accordingly, the application under Section 528 of Bharatiya Nagarik Suraksha Sanhita is dismissed.

Order Date :- 12.7.2024

A. Katiyar