



UPHR010063732022

In the Court of Sessions Judge, Hardoi

Present:- Raj Kumar Singh (H.J.S.)
J.O. Code UP 1889
Criminal Revision No. 178/2022

Smt. Chandrakala wife of Vijendra Singh d/o Rajbabu Dinkar, R/o
Bheekhpur, P.S. Sandi, District Hardoi. -----Revisionist.

Versus

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|----|---|--|
| 1. | State of U.P. through D.G.C.(criminal) , Hardoi | |
| 2. | Vijendra Singh son of Natthulal | } All R/o Vill. Kakra,
P.S. Harpalpur, Hardoi |
| 3. | Natthulal son of Dwarika | |
- Opposite parties.

Judgement

This criminal revision under Section 397 Cr.P.C. has been preferred against the order dated 08.07.2022 passed by Addl. Chief Judicial Magistrate-4, Hardoi in misc. case no. 1636/2021, Smt. Chandrakala Vs. Vijendra Singh and others. By the impugned order, learned court below rejected the application u/s 156(3) Cr.P.C.

2. Learned counsel for the revisionist submits that the applicant filed an application under Section 156(3) Cr.P.C. with correct facts for registering the FIR. It has also been averred in earlier ground of revision that the opposite party no.2 Vijendra Singh has compromised with the applicant but again he started harassment of the applicant and also took away her son.

Learned counsel for the revisionist submits that in the application for registration of the FIR, the applicant has categorically stated true facts which includes forcibly taking away her son and harassment due to demand of dowry etc. The court below wrongly dismissed the application. It was also open for the court below to register a complaint case but that order has also been passed. Revision is liable to be allowed.

Case called out repeatedly but none appeared for the opposite parties.

I have heard learned counsel for the revisionist and perused the record.

From the perusal of record, it is clear that learned court below rejected the application on several grounds out of which, why the applicant has not got any action by police station concerned, this facts has not been explained. No document was filed regarding the compromise. Why applicant has not taken any action for abusing by the opposite parties. Why legal action has not been taken for forcibly taking away her son. It has also not been mentioned in the application that whether the applicant sent the application to the police.

From the perusal of the application, it is clear that the applicant has mentioned the fact that she has sent the information regarding the facts mentioned in the application under Section 156(3) Cr.P.C. Averment in the application contains commission of cognizable offence, thus revision is liable to be allowed.

Order

This criminal revision is partly allowed. The matter is remitted back to the court below for deciding afresh without being influenced by its earlier order.

Date:- 01.12.2022

(Raj Kumar Singh)

Sessions Judge,

Hardoi

Judgment and order pronounced in the open court today.

Date:- 01.12.2022

(Raj Kumar Singh)

Sessions Judge,

Hardoi