

Court No. - 71

Case :- APPLICATION U/S 482 No. - 3218 of 2025

Applicant :- Shiv Prakash Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Jitendra Kumar Srivastava

Counsel for Opposite Party :- G.A., Pushpendra Kumar Yadav

Hon'ble Raj Beer Singh, J.

1. Heard learned counsel for the applicant, learned counsel for the opposite party no.2 and learned AGA for the State.

2. It has been submitted by learned counsel for the applicant that applicant is brother-in-law (*devar*) of opposite party no.2 / complainant and essentially there was dispute between the parties over the Management Committee of 'Jatadhari Degree College'. Earlier, the opposite party no.2 has made a Management Committee and the same was not approved by the concerned authorities. The applicant has lodged a case of embezzlement against opposite party no.2. Earlier, the opposite party no.2 has lodged a case under Section 354 IPC but after investigation police have submitted final report. Learned counsel submitted that after investigation the incident of present case was also found false and police have submitted final report. The opposite party no.2 has preferred a protest petition, which has been registered as a complaint case and thereafter applicant was summoned vide order dated 22.02.2024. The said summoning order was challenged before this Court, wherein by order dated 06.08.2024 said summoning order was set aside and matter was remanded back but again the impugned summoning order has been passed. Learned counsel has referred facts of the matter and statement of complainant and submitted that the allegation of rape levelled

against applicant is quite improbable and lack cogency and the impugned proceedings are malicious and thus, liable to be quashed.

3. Learned counsel for the opposite party no.2 has opposed the application and submitted that in her statement, the opposite party no.2 / complainant has made clear allegation of rape against applicant and that she was subjected to molestation for sufficient long period. It was stated that opposite party no.2 / complainant was manager of the Management Society of said college and that dispute has no connection with the present incident. The instant case relates to an incident of rape and the same has no concern at all with the management of said College. Referring to facts of the matter and statement of complainant and of witnesses, it was submitted that a prima-facie case is made out against the applicant.

4. Matter requires consideration.

5. Opposite party no.2 may file counter affidavit within four weeks.

6. List this case on 01.08.2025.

7. Till the next date of listing, no coercive action shall be taken against the applicant in Complaint Case No.33 of 2024 (Arti Devi vs. Shiv Prakash Singh), under Sections 376, 504, 506 I.P.C., Police Station- Sarnath, District- Varuna (Commissionerate Varanasi), pending in the court of A.C.J.M.-IV, Varanasi.

Order Date :- 6.5.2025

'SP'/-