



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No.664 of 2024

4th December, 2024

Ajay Rajput

--Applicant

Versus

State of Uttarakhand & Anr.

--Respondents

Present:-

Mr. Apoorv Nautiyal, Advocate for the applicant
Mr. G.S. Sandhu, Addl. A.G. for the State.

Hon'ble Vivek Bharti Sharma, J. (Oral)

Learned State Counsel would submit that the counter affidavit in the case is ready and he may be given time to file the same in the Registry.

2. In the interest of justice, counter affidavit filed on behalf of State is taken on record.

3. By means of present petition, petitioner seeks quashing of charge-sheet dated 06.07.2024 and the cognizance/summoning order dated 20.09.2024 passed by Additional Sessions Judge/F.T.C., Dehradun in S.S.T. No.122/2024 "*State vs. Ajay Rajput*" under Section 323, 506, 354 of IPC and Section 7/8 of POCSO Act.

4. Factual matrix of the case is that the complainant i.e. the mother of the prosecutrix, lodged the FIR against the petitioner/accused stating therein that the prosecutrix, aged 15 years, is a student of Class X in



Arpita Rajikiya Inter College, Bullawala, Doiwala; that, on 01.05.2024 the petitioner/accused who is a teacher of said School, caused injury on the hand of prosecutrix and sexually assaulted her and also threatened her not to disclose this incident to anyone else; that, the matter was investigated and on completion of investigation, the Investigating Officer filed the charge-sheet against the petitioner/accused under Sections 323, 506, 506, 354 of IPC and Section 7/8 of POCSO Act whereupon the court concerned, vide order dated 20.09.2024, has taken cognizance in the matter against the petitioner.

5. Learned counsel for the petitioner/accused would submit that the petitioner/accused has been falsely implicated in the instant case; that, FIR has been lodged on concocted and fabricated facts; that, in this regard, a complaint (*Annexure-4*) was also given to the S.S.P., Dehradun by the wife of petitioner/accused with allegations that the complaint made against her husband is part of conspiracy and has been filed in order to blackmail him and to extort money from the petitioner/accused.

6. He would further submit that before lodging of the FIR mother of prosecutrix had also made complaint to the S.D.M., Doiwala whereupon the Block Education Officer was directed to investigate the matter; that, in the inquiry report submitted by the Block Education Officer, Doiwala dated 08.05.2024, it has come that the teachers and employees of the school expressed their ignorance about the alleged incident.

He would further submit that some of the



students of the school had also made complaint to the Principal of the School stating that the complaint filed against the petitioner/accused is based on false grounds.

7. Learned State Counsel would vehemently oppose the petition on the ground that the complaint given by the wife of the petitioner/accused is one which has been given by the interested person.

He would further submit that in the last concluding paragraph of the inquiry report (*Annexure-4*), it is specifically stated that the teachers and the employees expressed their ignorance about the alleged incident/occurrence, then how come the petitioner/accused say that the allegations levelled against him were false. Besides, the inquiry report (*Annexure-4*) is self contradictory on this aspect and seems to be procured one.

8. Learned State Counsel would further submit that during investigation credible evidence was collected against the petitioner/accused on the basis of which there is sufficient ground to proceed against the petitioner/accused; that, after proper investigation charge sheet has been filed and the petitioner/accused has been rightly summoned to face the trial under the relevant sections; that, the issues raised by the petitioners are his possible defence and is matter of evidence.

9. Heard the submissions of the learned counsel for the respective parties and perused the material available on file.



10. In the considered opinion of this Court, present matter pertains to intricate question of facts to be proved by way of evidence in trial to reach its logical conclusion. The Court, in exercise of its jurisdiction under Section 528 of B.N.S.S. cannot go into the truth or otherwise of the allegations made in the complaint or delve into the disputed question of facts. The grounds taken by the petitioner/accused are, apparently, his defence, truthfulness of which can be ascertained by leading evidence in the trial court and not by way of invoking jurisdiction under Section 528 of B.N.S.S. at this stage.

11. In view of the foregoing discussion, there is no merit in the present petition. Same is hereby dismissed *in limine*.

12. Last but not least, certified copy of the statement of prosecutrix which is annexed with the counter affidavit at page no.18 would reveal that the certified copy issued is not properly legible. In such circumstances, issue show cause notice to the Head Copyist, Copying Department, District Court, Dehradun for dereliction of duty in not supplying the legible certified copy. Let the reply be filed within two weeks.

(Vivek Bharti Sharma, J.)
04.12.2024

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Digitally signed by RAJINI GUSAI
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UTTARAKHAND, email=RAJINI.GUSAI@JUDGEC
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