



CNR: KAHC010435502025

NC: 2026:KHC:49025
CRL.P No. 9450 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 9450 OF 2025 (482(Cr.PC)

/ 528(BNSS)-)

BETWEEN:

SMT JAYA BHARATHI.D
W/O D. VASUDEVA NAIDU,
AGED ABOUT 53 YEARS,
HEAD MISTRESS,
#301, CREATIVE ARCADE APARTMENT,
4TH MAIN, NAGASHETTIHALLI,
NEAR GANESH TEMPLE, SANJAYNAGAR,
BANGALORE-560094.

...PETITIONER

(BY SRI. VASU DEVA NAIDU S.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SANJAYNAGAR POLICE STATION,
BANGALORE
REPRESENTED BY STATE PUBLIC PROSECUTOR,
BENGALURU-560001
2. SMT. D.K. LATHA
AGED ABOUT 45 YEARS
W/O SRI. S. RANGE GOWDA
NO.1, NAGARAJAPPA BUILDING,
GUNDAPPA MAIN ROAD &
BHOOPSANDRA MAIN ROAD,
NAGASHETTIHALLI,
SANJAYNAGAR,
BANGALORE-560094.

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. JEEVAN.K., ADVOCATE FOR R2)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO SET ASIDE THE ORDER OF ISSUANCE OF PROCESS DTD 04.06.2025 PASSED IN CR.NO.28/2025, NOW REGISTER SPL.PENDING IN SPL.CC.NO.1034/2025 BEFORE THE HONBLE ADDL.CITY CIVIL JUDGE AND SESSIONS JUDGE, FTSC-1, AT BANGALORE PRODUCED AND MARKED AS ANNEXURE-B AND QUASH THE CHARGE SHEET AND FURTHER PROCEEDINGS BEFORE THE HONBLE ADDL.CITY CIVIL JUDGE AND SESSION JUDGE FTSC-1 AT BENGALURU FOR THE OFFENCE P/U/S 8 AND 21 OF POCSO ACT 2012 AND ETC.

THIS CRIMINAL PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Sadashivanagar English High School is before this Court seeking for the following reliefs;
 - i. *Set aside the order of issuance of process dated 04.06.2025 passed in Crime No.28/2025 now register special pending in Spl.CC No.1034/2025 before the Hon'ble Additional City Civil Judge and Session Judge, FTSC-1 at Bangalore produced and marked as Annexure-B and quash the charge sheet and further proceedings before the Hon'ble Additional City Civil Judge FTSC-1 at Bangalore, for the offences punishable under Section 8 and 21 of POCSO Act 2012 in the interest of justice and equity.*
 - ii. *Pass any such further order (s) as this Hon'ble Court may deemed fit.*
2. An FIR in Crime No.28 of 2025 was registered against the petitioner under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the "**POCSO Act**").



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The FIR was registered on the written complaint dated 25.02.2025 submitted by respondent No.2, the mother of the victim, who was studying in the 9th standard in the school where the petitioner was the Head Mistress and the victim's father was also employed.

3. On 31.01.2025, respondent No.2 orally informed the petitioner about the alleged sexual abuse of her daughter. The petitioner informed her that she would conduct an enquiry, ascertain the facts and communicate the outcome. Thereafter, respondent No.2 approached Sanjay Nagar Police Station, which directed the petitioner to appear for enquiry.
4. The petitioner could not attend the police station on that day as she was travelling to Hyderabad to attend to a hospitalised relative. She returned on 04.02.2025 and appeared before the police on 05.02.2025 along with counsel. She informed the police that the CCTV footage had been secured, an enquiry had been conducted and the relevant material would be furnished to the Investigating Officer.
5. It was further stated that the matter had been discussed with the victim's parents and that they



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were initially unwilling to pursue the complaint. According to the petitioner, it was for this reason that no further action was taken by the Head Mistress at that stage. Subsequently, the parents lodged a complaint against the boy concerned, the petitioner and certain others, alleging, inter alia, that the Head Mistress had failed to take appropriate action. Investigation has since been completed, a charge-sheet has been filed, charges have been framed and the matter is now posted for evidence.

6. Learned counsel for the petitioner submits that, immediately upon being informed of the incident, the petitioner caused an enquiry to be conducted, secured the relevant CCTV footage and furnished the material to the Investigating Officer. It is submitted that she was not in charge of the particular class and had no role in the alleged incident. It is further submitted that, as the victim's parents had initially stated that they did not wish to pursue the matter, no further action was taken. Subsequently, upon registration of the complaint, the petitioner furnished all available material to the police.
7. The submission cannot be accepted. The Head Mistress has a duty to safeguard the children



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entrusted to the care and custody of the school during school hours. Once the petitioner was informed of the alleged sexual abuse of a student, her duty did not end with conducting an internal enquiry or securing the available material. She was required to promptly inform the jurisdictional police and place before them all relevant facts and material relating to the incident.

8. The fact that the victim's parents may initially have expressed an unwillingness to pursue the matter did not absolve the petitioner of that duty. The responsibility to report an alleged offence against a child cannot be made dependent upon the parents' decision whether to pursue the complaint. Once the incident was brought to the petitioner's notice, the matter was required to be brought to the attention of the competent authorities in accordance with law. Section 19 of the POCSO Act, which is reproduced hereunder for easy reference;

19. (1) *Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to;*

- (a) *the Special Juvenile Police Unit; or*
- (b) *the local police.*



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(2) Every report given under sub-section (1) shall be—

(a) ascribed an entry number and recorded in writing;

(b) be read over to the informant;

(c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).



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9. Section 19 of the POCSO Act imposes a statutory duty upon any person who has reason to believe that an offence under the Act is likely to be committed, or has knowledge that such an offence has been committed, to provide such information to the Special Juvenile Police Unit or the local police. The obligation under Section 19(1) is mandatory and arises upon acquisition of such knowledge.
10. The duty under Section 19 is personal, statutory and mandatory. Once the Head Mistress acquired knowledge of the alleged offence, she was required to report it to the competent police authority. That duty cannot be displaced by an internal enquiry, parental reluctance, an assurance of settlement, a compromise or a subsequent decision not to pursue the complaint. A private settlement cannot extinguish a statutory duty.
11. The provision does not require the person receiving the information to first conduct an enquiry, ascertain the truth of the allegation or await the decision of the parents. The duty is to report the information to the competent authority. It is thereafter for the police to assess the information and take such action as may be required in accordance with law.



12. In the present case, the petitioner, being the Head Mistress, was informed of the alleged sexual abuse of a student. Having received such information, it was incumbent upon her to inform the jurisdictional police or the Special Juvenile Police Unit. She could not substitute an internal enquiry for the statutory requirement of reporting the matter. Whether the allegation was true, whether an offence had been committed and what further action was required were matters for the competent authorities to determine.
13. The fact that the parents were initially unwilling to lodge a complaint, or were inclined to resolve the matter amicably, does not take away or suspend the petitioner's statutory obligation. The duty imposed by Section 19 is independent of the wishes of the parents. A private settlement, compromise or decision by the parents not to pursue the matter cannot extinguish a statutory duty imposed by law. The petitioner was therefore not entitled to withhold the information on that ground.
14. The subsequent conduct of the petitioner in securing the CCTV footage, conducting an enquiry and furnishing the available material to the police may be



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relevant in accordance with law. It does not, however, retrospectively discharge the obligation to report the information when it first came to her knowledge. Subsequent cooperation may be relevant while considering the petitioner's conduct and the consequences in law, but cannot by itself constitute a defence to the alleged failure to report.

15. The statutory obligation is particularly important where the person receiving the information is responsible for the administration and supervision of the school. The purpose of Section 19 is to ensure that information concerning an alleged offence against a child reaches the competent authorities without being withheld or dealt with privately. Permitting such information to be withheld merely because the parents do not wish to pursue the matter would defeat that statutory purpose.
16. In the present case, the charge-sheet has been filed, charges have been framed and the matter is posted for evidence. Whether the petitioner had knowledge of the alleged offence, whether such knowledge attracted the obligation under Section 19 and whether her conduct constitutes a violation of that provision are matters that can be considered in the



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course of the trial. At this stage, this Court finds no ground to interdict the proceedings.

17. For the aforesaid reasons, the petition is ***dismissed***. Reserving liberty to the petitioner to raise all defences as may be permissible under law in the criminal proceedings.
18. In view of disposal of the main petition, pending IA's does not survive for consideration. Hence, IA stands disposed of.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 29