



2026:UHC:4504

IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

Criminal Misc. Application No.617 of 2019

Ravish Kamaal Applicant

Versus

State of Uttarakhand & Others Respondents

Presence:-

Mr. Mohd. Umar, learned counsel for the applicant.

Mr. Sandeep Sharma, learned, learned A.G.A. assisted by Ms. Rangoli Purohit, learned Brief Holder for the State/respondent nos1 & 2.

Mr. Bilal Ahmed, learned counsel for the respondent no.3.

Hon'ble Siddhartha Sah, J. (oral)

By means of the present criminal misc. application under Section 482 of the Code of Criminal Procedure (hereinafter referred to as C-482 application), the applicant has sought quashing of the entire proceedings of Special Sessions Trial No.94 of 2018 (Case Crime No.69 of 2018), 'State vs. Ravish Kamaal' under Sections 7/8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "the Act") and Section 506 of IPC, Police Station Kotwali Jwalapur, District Haridwar pending in the court of learned Additional District Judge/Special Judge (POCSO), District Haridwar.

2. The facts of the case, in brief, are that respondent no. 3, the father of the prosecutrix, lodged an FIR against the applicant on 23.01.2018 at about 3:24 p.m. in respect of an



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incident alleged to have taken place on 20.01.2018. The FIR was registered as Case Crime No. 69 of 2018 under Sections 7/8 of the Act and 506 IPC at Police Station Kotwali Jwalapur, District Haridwar, alleging therein that the present applicant, who was the tutor of the prosecutrix, sexually harassed her while giving her tuition. Pursuant to the aforesaid FIR, the Investigating Officer got the prosecutrix examined under Section 164 Cr.P.C. on 05.02.2018 in the Court of the learned Judicial Magistrate-III, Haridwar, wherein, in the presence of her father, the prosecutrix categorically denied that the applicant had ever sexually harassed her. However, the investigation continued and culminated in the filing of a charge-sheet against the applicant under Sections 7/8 of the Act and Section 506 IPC.

3. Based on the aforesaid charge-sheet, the learned F.T.C./Additional District Judge/Special Judge (POCSO), District Haridwar, passed a summoning order dated 03.08.2018 against the applicant under Sections 7/8 of the Act and Section 506 IPC.

4. Aggrieved by the aforesaid charge-sheet and the summoning order, the applicant has filed the present C-482 application seeking quashing of the entire proceedings of Special Sessions Trial No. 94 of 2018.

5. Learned counsel for the applicant would submit that after the aforesaid statement of the prosecutrix was recorded under Section 164 of Cr.P.C., wherein she did not



support the prosecution case, a prudent Investigating Officer ought to have stopped investigation in the instant case and should have filed a closure report.

He would further submit that the star witness of the case, i.e., the victim/prosecutrix, has categorically denied the allegations made in the FIR and, in such circumstances, nothing incriminating remained against the applicant. However, despite the same, the Investigating Officer continued with the investigation and ultimately filed the charge-sheet against the applicant.

6. Learned counsel for the applicant would further submit that the group in which the applicant used to give tuition to the prosecutrix consisted of 12–13 students and, therefore, it was not possible for the applicant to have committed the acts alleged against him.

7. Learned counsel for the applicant would further submit that the applicant has no previous criminal history and has never been convicted in any criminal case.

8. Learned counsel for the applicant would further submit that, in view of the aforesaid factual matrix of the case, the continuation of the proceedings against the applicant amounts to a gross abuse of the process of law, which can be curtailed only by this Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C. (now Section



528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, where applicable).

9. *Per contra*, learned State counsel would submit that the statements of the victim and the complainant recorded under Section 161 Cr.P.C. contain allegations against the applicant and, therefore, the present case does not warrant the exercise of inherent jurisdiction by this Court under Section 482 Cr.P.C. for quashing the proceedings.

10. Learned counsel for respondent no. 3 would submit that the FIR was lodged by respondent no. 3 merely on the basis of hearsay. Respondent no. 3 has also filed a counter affidavit, wherein it has been categorically stated that his daughter used to go for tuition classes carried by the applicant. On the date of incident as the daughter of respondent no.3 did not do home work, the applicant had slapped her and strictly warned for doing home work, when the victim returned home she could not narrate the entire facts and started to weep and stated she was beaten; the respondent no.3 on heat of passion lodged the impugned FIR presuming that sexual assault was caused to his daughter. However, after lodging of the FIR on asking the victim narrated the entire facts and thus in statements recorded under Section 164 of Cr.P.C., she disclosed the actual facts. The FIR was lodged by the respondent no.3 due to misunderstanding and under heat of passion.



11. Learned counsel for respondent no. 3 would further submit that neither the complainant nor the prosecutrix is interested in pursuing the matter any further and that they have no objection if the present C-482 application is allowed.

12. Having considered the rival submissions made on behalf of the learned counsel for the parties and after going through the record, it is evident that in her statements recorded under Section 164 of Cr.P.C. before the Judicial Magistrate III, Haridwar on 05.02.2018, the victim has categorically stated that the applicant had slapped her as she had not done her home work and she had come late and the applicant had also scolded her; the teacher had not misbehaved with her. The prosecutrix/victim has not supported the prosecution case in her statements recorded under Section 164 of Cr.P.C. and the complainant has also filed counter affidavit in this case, wherein he has relied upon and confirmed the statements of the prosecutrix/victim recorded under Section 164 of Cr.P.C.; in the affidavit, he has also categorically stated that the FIR was lodged due to misunderstanding and under heat of passion.

13. Though the learned State counsel has submitted that, in their statements recorded under Section 161 Cr.P.C., the prosecutrix/victim and the complainant supported the prosecution case, the fact remains that, in her statement recorded under Section 164 Cr.P.C., the prosecutrix/victim



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did not support the prosecution case. Moreover, the complainant has filed a counter affidavit in the present case wherein he has categorically stated that the FIR was lodged due to a misunderstanding and in the heat of passion. The victim has also stated that the applicant had merely slapped her as she had arrived late for tuition and had not completed her homework, and that there was no misbehaviour on the part of the applicant.

14. In such circumstances, no useful purpose would be served by permitting the case to go for trial.

15. In view of the facts and circumstances of the case, the present criminal misc. application under Section 482 of the Cr.P.C. deserves to be allowed.

16. Consequently, the entire proceedings of Special Sessions Trial No.94 of 2018 (Case Crime No.69 of 2018), 'State vs. Ravish Kamaal' under Sections 7/8 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 of IPC, Police Station Kotwali Jwalapur, District Haridwar pending in the court of learned Additional District Judge/Special Judge (POCSO), District Haridwar are hereby quashed.

17. The present criminal misc. application under Section 482 Cr.P.C. is, accordingly, allowed.

(Siddhartha Sah, J.)

05.06.2026

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