

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1725 of 2017

Uttam Walke S/o Shri N. R. Walke, Aged About 37 Years R/o Indira Vihar Colony, Tarbahar, Police Station Tarbahar, Civil And Revenue District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.
2. Supriti Gupta, W/o Gagan Gupta, Aged About 30 Years R/o B 103, Joy Residency, Kududand, Ahead of Mata Choura, Police Station Civil Lines, Bilaspur, Chhattisgarh. ---- **Respondents**

For the Petitioner	:	Mr. Bhaskar Pyasi	Advocate
For the State	:	Mr. Neeraj Sharma,	Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.12.2017

1. This petition has been filed under section 482 of the Code of Criminal Procedure for quashing the charge framed u/s 354-A of the IPC and section 10 of the Protection of Children from Sexual Offences Act, 2012 in Criminal case No. 101 of 2017 pending in the Court Addl. Sessions judge (FTC), Bilaspur relating to crime no. 659 of 2017.
2. Learned counsel for the petitioner submits that there is no evidence on record to show that the sexual assault has been committed. He further submits that as per the report of the police one Pradarsan Panchnama of the entire CCTV footage in the school was verified and no sexual overt act was attributed to the petitioner. He would further submit that the incident happened because of the fact that some dispute arose in between the parents of the student with respect to payment of fee for which the report was made on 28.08.2017. He further submits that the charge sheet also

do not contain the reports of medical examination of the child which is mandatory u/s 27 of the Protection of Children from Sexual Offences Act, 2012. He therefore prays that under the facts and circumstances of the case, the proceedings drawn against the petitioner be quashed.

3. Perused the documents filed along with the petition. The petition also contains the statement of girl aged about 2 ½ years wherein she has stated that she was subjected to kiss on her lips and the allegations have been attributed to the petitioner. The statements of the mother and father also corroborates, therefore, at this stage, this Court cannot give a finding that the statement given by the witnesses are false and cannot be believed and the defence of the petitioner that the report was made over a dispute of payment of fee if can be accepted, it is for the trial Court to adjudicate the same after the statements of witnesses are recorded before it and the entire evidence is placed on record and the trial Court will have the privilege to record the demeanor of witnesses during cross examination.
4. Therefore, at this stage, I am not inclined to admit the petition and accordingly, it is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**