

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2320 of 2018

1. Smt. Niharika @ Chinki Sonker, W/o. Shri Mahesh Sonker, Aged About 32 Years, R/o. Qr. No. C-773, Kaveri Vihar, NTPC Township, Jamunipali, P.S.- Darri, Tahsil- Katghora, District- Korba, Chhattisgarh.
2. Mahesh Sonker, S/o. Shri S.L. Sonker, Aged About 36 Years, R/o- Qr. No. C-773, Kaveri Vihar, NTPC Township, Jamunipali, P.S.- Darri, Tahsil- Katghora, District- Korba, Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh, Through- Officer In Charge Darri, Police Station- Darri, Korba, Civil & Revenue District- Korba, District- Korba, Chhattisgarh.

---- Respondent

For Petitioners	:	Mr. Ashutosh Shukla, Advocate
For State/Respondent	:	Mr. R.K.Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.01.2019

Heard

1. Challenge in this petition is to the filing of the charge sheet under Section 324 of I.P.C. and Section 75 of Juvenile Justice (Care & Protection of Children) Act, 2015 wherein the charge sheet have been filed against the petitioner.
2. Learned counsel for the petitioners submits that though the charge sheet has been filed under Section 75 of Juvenile Justice (Care & Protection of Children) Act, 2015, there is no material on record, which would show that the child was abandoned and subjected to any cruelty and further the nature of allegation would not constitute any offence under Section 324 of I.P.C.
3. Perused the documents and the charge sheet. The papers contain the statement of the victim who is admittedly minor. The statements were recorded before the Child Line Committee as also by the police under Section 161 & 164 of Cr.P.C.

4. Perused the statement. After perusal of the statement, at this stage, it would be too premature to hold that no offence is made out. The statements are further prima facie supported by the medical evidence MLC, therefore, taking into the same, the Court will not hold a trial so as to substantiate the fact whether the allegations are proved or not. It is for the trial Court to decide. Taking into totality of the facts and perusal of the charge sheet and the documents, I am not inclined to entertain this petition, as it would strangle the entire trial itself by only accepting the submission made by the petitioners. The veracity of the statements are to be decided before the trial Court.
5. In view of the above, the petition *sans merit* and is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge