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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2568/2019**

SONIA

..... Petitioner

Through Mr Aditya Aggarwal, Mr Amit Rana,
Ms Ruchika Yadav, Advocates.

versus

STATE

..... Respondent

Through Ms Shivani Sharma, Ms Richa Kapoor,
ASC for State.
Insp. Domnia Puty, P.S. P. Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.09.2019

CRL.M.A. 35685/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the SHO, P.S. Paschim Vihar (West), to incorporate reference to the offence under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in FIR No. 0328/2019 in addition to reference to Section 376 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at P.S. Paschim Vihar (West), Delhi on 19.07.2019.
4. The petitioner had filed the FIR in question in respect of offences

allegedly committed on her minor daughter (hereafter referred to as ‘the child’). She had reported that the child had returned back home from school and complained of pain in her private region. She had also expressed difficulty in urinating. The child was then taken to a doctor and the petitioner claims that the doctor had diagnosed that there has been some mischief with the private part of the child.

5. The petitioner, thereafter, took the child to the said school and met the principal. Although there are CCTV cameras installed in the said school, the same did not have any footage. The child had pointed to a person who was working as a cleaner at the said school. In this context the petitioner had requested that necessary action be taken.

6. A plain reading of the FIR in question indicates that it is the petitioner’s case that her child has been violated by the cleaner working in the school. The petitioner’s allegations are yet under investigation.

7. The petitioner has filed the present petition, essentially, to seek that allegations pertaining to the offence under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 be added against the principal of the school and the class teachers of the child’s class. According to the petitioner, the FIR, as filed, clearly discloses the said offence.

8. This Court is not persuaded to accept the aforesaid contention. The question whether any offence was committed in respect of the child is under investigation. The FIR in question itself contains no allegation that either the class teachers or the principal of the said school had assaulted, abandoned, abused, exposed or wilfully neglected the child or caused the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause the child unnecessary mental or physical suffering.

9. Thus, the prayer as sought by the petitioner cannot be acceded to at this stage.
10. Having stated the above, it is clarified that if during investigation it is found that the principal, any teacher, or any other staff of the said school has any involvement in the commission of the offence under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, necessary action, including charging the persons responsible for the said offence, shall be taken.
11. The petition is dismissed with the aforesaid observations.
12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

SEPTEMBER 13, 2019

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