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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-960-2025 (O&M)
Date of Decision: 08.04.2025

Shushank Joshi @ Sushank Joshi

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pavitra Singh, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J.

1. The present petition has been filed challenging the impugned order dated 09.01.2025 passed by the learned Sessions Judge, Rupnagar, vide which the application filed by the petitioner for discharge has been dismissed and charges have been framed.

2. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated by the complainant and false allegations were levelled against him and while dismissing the application for discharge and framing of the charges, the learned Sessions Judge, Rupnagar has not applied the mind and not considered the material on record on the basis of which charges could have been framed. He further submitted that it is a settled law that charges cannot be framed in a mechanical manner and the petitioner was in fact falsely implicated at the instance of the complainant because the allegations were totally improbable. He submitted that even as per the allegations, the petitioner and the complainant were known to each



other earlier and it was only in order to falsely implicate the petitioner that present FIR was got lodged by the complainant. He referred to the MLR, whereby against the column of kissing, licking or sucking of breast or other parts of the body it is so stated to be 'No' and it was also mentioned in the MLR that there was no external injury and therefore, all the allegations which have been contained in the FIR were totally false and therefore, framing of the charges and the aforesaid impugned order vide which application filed by the petitioner for discharge was dismissed are liable to be set aside.

3. I have heard the learned counsel for the petitioner.

4. It is a case where an FIR was lodged by respondent No.2-complainant against the petitioner under Sections 127(2), 74, 75 of BNS and Section 12 of The Protection of Children from Sexual Offences Act, 2012 by alleging that she is a girl of the age of 16 years and therefore, a minor and is studying in Class-XII in Government Girls School, Rupnagar. It was further stated in the FIR that about 1½ years ago, the petitioner and the complainant became friends and after about two months they got separated but on 10.08.2024 at around 11:25 P.M., when she was sleeping with her grandmother in her room, then she suddenly woke up and went to the house of the petitioner to meet him as he was persistently requesting her. When she reached there, the petitioner was standing on his terrace gallery and signalled her to come upstairs, whereby she signalled him to come downstairs and thereafter, she went to the place where the petitioner was standing and the petitioner took her in the room where he tried to physically abuse her and kissed her without her consent, whereas she restrained him



from doing so and thereafter, a fight took place between them and thereafter, they heard so many voices in the mohalla and because of this, the petitioner locked her inside the room and he himself went out of the room. The present FIR has been registered on the next day i.e. on 11.08.2024 and the complainant-victim was also medically examined on 11.08.2024 vide Annexure P-2 in the Government Hospital-cum-Medical College, Rohtak. A perusal of the aforesaid main report would show that in the history as narrated by the complainant-victim, she has so stated that at 11:25 P.M. on 10.08.2024, she went to the petitioner's house where he was standing in the balcony and she went inside his house where they kissed each other on the lips and the petitioner tried to touch her back and thereafter, the boy removed his underwear and tried to insert his penis into her vagina and she panicked and they started fighting and suddenly, there was some noise and she left the house. Although, so far as the column of kissing, licking etc. is concerned, it is so mentioned to be 'No' and there was no external injury remark but at the same time the complainant-victim is stated to be a minor girl of the age 16 years and direct allegations have been levelled by her against the petitioner.

5. On the basis of the material on record, the learned Sessions Judge, Rupnagar dismissed the application for discharge and also directed the framing of the charges under Sections 127(2), 74, 75 of BNS and Section 12 of POCSO Act,

6. After hearing the learned counsel for the petitioner and perusing the FIR, impugned order and the order vide which it was directed to frame the charges, this Court is of the considered view that no illegality or



perversity can be found in the same. The scope of a revision petition is also very limited. The arguments which were redressed by the learned counsel for the petitioner were pertaining to the fact that the petitioner has been falsely implicated in the present case and there was no *prima facie* case made out against him and therefore, charges could not have been framed qua him and his case was based upon the medical examination report, wherein it was stated that there was no evidence of any injury etc. or any child sexual abuse, whereas a perusal of the medical report and the impugned order would show that it cannot be said that there was no *prima facie* evidence available. At the time of framing of the charges, the learned Sessions Judge, Rupnagar has proceeded on the basis of *prima facie* evidence available on the record and therefore, it cannot be said that there was any perversity or illegality in the impugned order.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

08.04.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No