Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.264/2026

SMT. TEJA MANOJ ARSEKAR
W/O Mr. Manoj Arsekar,
Age 52 years, Indian National,
Occupation: Teacher,
R/O Row House No. 3/5279.
Om Datta Prasad Residency,
Cupangali, Gogol,
Salcette, South Goa-Goa. … PETITIONER

Versus

1. STATE OF GOA
As represented by the Officer-In-Charge,
Sanguem Police Station,
Sanguem, South Goa-Goa

2. STATE OF GOA
Through The Public Prosecutor,
High Court of Bombay & Goa,
Porvorim, Goa.

3. MRS NAFEESA BEGUM SHIEK
W/O Late Mr Anwar Shaikh,
Indian National, Aged 36 years,
R/O. H. NO.109/34, Near Bus Stand,
Dabamol, Cotarli, Sanguem,
South Goa-Goa. … RESPONDENTS

Mr K. Poulekar, Mr Sahil Lavande, Ms Pallavi Betkekar, Mr Amey Sawant and Mr Ronit Naik, Advocates for the Petitioner.

Mr S. Karpe, Additional Public Prosecutor for Respondent – State.

Mr Chirag Angle, Advocate for Respondent No.3.

CORAM: ASHWIN D. BHOBE, J.

DATED: 27th OCTOBER 2026

ORAL JUDGMENT:

1. Heard, Mr K. Poulekar, learned Advocate for the Petitioner, Mr S. Karpe, learned Additional Public Prosecutor for the Respondent – State and Mr Chirag Angle, learned Advocate for Respondent No.3.

2. Rule. Rule returnable forthwith and with the consent of the parties, this Petition heard finally.

3. The Petitioner, by this Petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023, is before this Court, challenging FIR No. 25 of 2025 ("***impugned FIR***") registered at the Sanguem Police Station for offences punishable under Sections 125(a) and 115(2) of the Bharatiya Nyaya Sanhita, 2023, and under Section 8(2) of the Goa Children's Act, 2003.

4. In brief, the prosecution case is that Respondent No.3 – Complainant lodged a complaint dated 24.09.2025 at Sanguem Police Station, Goa, stating that the Petitioner-Accused, a Teacher/Headmistress of the Union High School, Sanguem, assaulted the child-student (son of Respondent No.3) by slapping him several times on the face to correct his conduct and behaviour. The incident occurred on 23.09.2025. Sanguem Police Station registered the impugned FIR on 24.09.2025.

5. Upon investigation, the Respondent No.2 (Sanguem Police Station) filed Charge-sheet No.18 of 2025, before the Children's

Court for the State of Goa ("***Children's Court***") which is registered as Special Case No.109 of 2025.

6. Mr K. Poulekar, learned Advocate for the Petitioner, states that Special Case No.109 of 2025 before the Children's Court is at the stage of arguments before charge.

7. Mr K. Poulekar, learned Advocate for the Petitioner, submits that the registration of the impugned FIR and the subsequent proceedings by Respondent No. 2, based on the complaint dated 24.09.2025, are not tenable. He relies on Section 14 of the Goa Children's Act, 2003 ("***said Act***") to submit that Respondent No. 2 has not complied with the provisions when it receives any complaint alleging corporal punishment against a child. He submits that, upon receipt of the complaint dated 24.09.2025, Respondent No. 2 was required to refer it to the Competent Authority, as specified in the said Act. He therefore submits that Respondent No. 2 has breached the provision of the said Act, as a result of which the impugned FIR and the subsequent criminal proceedings stand vitiated.

8. Mr S. Karpe, learned Additional Public Prosecutor for the State, submits, in all fairness, that the complaint dated 24.09.2025 must be referred to the Competent Authority under Sections 4(12) and 4(15), read with Section 30(3) of the said Act. He further submits that Respondent No.2 shall forward the complaint dated 24.09.2025 to the Competent Authority within the time this Court may direct.

9. Mr Chirag Angle, learned Advocate for Respondent No.3, submits that the complaint dated 24.09.2025 filed by Respondent No.3 was rightly treated as an FIR, as it disclosed the commission of a cognizable offence, and that the procedure adopted by Respondent No.2 in this case is correct. To elaborate, he submits that any assault causing grievous or serious injuries to the child should not be sent to the Competent Authority, as it would give an assailant leverage to take shelter under Sections 4(12) and 4(15) of the said Act. He therefore seeks dismissal of this petition.

10. Perused the records with the assistance of the learned Advocates for the parties.

11. Records on file in this Petition indicate that the complaint dated 24.09.2025 alleges that the Petitioner, a Teacher/Headmistress of the Union High School, Sanguem, slapped the child-student on his face seven times. Thus, the allegations concern corporal punishment in school. The injury certificate on record indicates that the injuries are simple in nature.

12. With the aforesaid facts in the background, it would be useful to refer to the decision of this Court in the case of *Lt. Col. (Retd) Noel Goodwin v/s. State of Goa*[1], particularly paragraphs 25 to 31, which are quoted below:

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1 Criminal Revision Application No.24/2022 (F) decided on 22.08.2023

"*25. As per Section 4(12) of the Goa Children's Act, corporal punishment is banned in schools and any contraventions or non-adherence thereof is punishable under Section 4(15) of the said Act by the Competent Authority as defined in Section 2(i) of the Act. Police have no jurisdiction to entertain complaint in case of corporal punishment which has to be dealt with by Competent Authority.*

26. Corporal punishment as per Black's Law Dictionary is "Physical punishment as distinguished from pecuniary punishment or a fine, any kind of punishment of or inflicted on the body, such as whipping or the pillory; the term may or may not include imprisonment."

27. Corporal punishment as defined under Section 2(24) of Juvenile Justice Act, 2015 is subjecting of a child by any person to physical punishment that involves the deliberate infliction of a pain as retribution for an offence or for the purpose of disciplining or reforming the child.

28. Jurisdiction of Children Court is defined under Section 30 of the Children's Court Act which states that – (1) Subject to the provisions of this Act the Children's Court shall have jurisdiction to try all offences against children whether such offence is specified under this Act or not.

29. Section 8 of the Goa Children's Act relates to child abuse and trafficking. Section 8(1) mentions that all children should be assured of a safe environment. A safe environment is an environment in which a child will not be abused in any way and child's development will be nurtured. Section 2(m) states that 'child abuse' refers to maltreatment which includes psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment, any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a

child as a human being, unreasonable deprivation of his basic needs for survival such as food and shelter or failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or his permanent incapacity or death. Section 8(2) provides punishment against whosoever commits any child abuse or sexual assault as defined under the Act. The facts of this case does not make out violation of Section 8(2) of the Act.

30. Porvorim Police Station had no jurisdiction to register FIR and file charge-sheet in Children's Court. From the facts it is a case of corporal punishment as per Section 4(12) of the Goa Children's Act which could be dealt with by Competent Authority. Neither offence under Section 323 of IPC or Section 8(2) of Goa Children's Act is made out. At the most the police could have conducted preliminary inquiry or directed complainant to approach Competent Authority. In the present case the intent is bonafide and not malafide. It was to improve the student. It was to make student to adhere to standards. The motive was to instill discipline in the student. It cannot be said that punishment was immoderate. It did not exceed ordinary norms.

31. The nature and gravity of the corporal punishment inflicted by the teacher would determine as to whether he can be proceeded under the penal provisions. If the teacher, out of unbridled fury, excitement or rage, inflicts injuries which are of such a nature as to cause unreasonable physical suffering or harm to the child, the same cannot be condoned on any ground or on the principle of express or implied consent. In the present case, the charge-sheet would indicate that, the petitioner had twisted the ear of pupil which resulted in nature of injury stipulated in medical certificate. There are no allegations that petitioner has caused any serious injury to the student or that he has used any excessive or disproportionate force in that regard."

13. Considering the nature of the alleged corporal punishment inflicted by the Petitioner on the child-student and in the absence of serious/grievous injury to the child-student, the Respondent No.2 (Sanguem Police Station) had no jurisdiction to register the impugned FIR and/or to file the charge-sheet in the Children's Court. The Competent Authority under the said Act must deal with the allegation in the complaint dated 24.09.2025 filed by Respondent No. 3.

14. The decision in the case of *Lt. Col. (Retd) Noel Goodwin (supra)* applies to the facts of this case.

15. In view of the above, this Petition is partly allowed on the following terms:-

(a) The impugned FIR No.25 of 2025 and Charge-sheet No.18 of 2025, which is registered as Special Case No.109 of 2025 before the Children's Court for the State of Goa, are quashed and set aside;

(b) The proceedings in Special Case No. 109 of 2025 before the Children's Court stand closed.

(c) The Officer-in-Charge of Sanguem Police Station shall transfer the complaint dated 24.09.2025, filed by Respondent No. 3, to the Competent Authority constituted under the said Act within four (4) weeks from today;

(d) The Competent Authority shall deal with the complaint dated 24.09.2025 in accordance with Sections 4(12) and 4(15) of the said Act.

16. Mr K. Poulekar, learned Advocate for the Petitioner and Mr S. Karpe, learned Additional Public Prosecutor for the State, submit that in the peculiar facts of this case, Respondent No. 3 may be afforded an opportunity to appear before the Competent Authority, if Respondent No. 3 so desires. In view of the fair stand taken by Mr K. Poulekar and Mr S. Karpe, Respondent No.3 may, if so desired, apply to the Competent Authority to appear in the said proceedings. If such an application is filed, it shall be considered by the Competent Authority on its own merits and strictly in accordance with law.

17. Rule is made absolute in the above terms. Criminal Writ Petition No.264/2026 is disposed of. No orders as to costs.

ASHWIN D. BHOBE, J.

Signed by: SUCHITRA NANDAN SINGBAL
Designation: Personal Assistant
Date: 29/10/2026 14:07:52