



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(248)

**CRM-M-20464-2026
Date of Decision: 21.04.2026**

Uxxxx Dxxxx

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rajesh Goyal, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The prayer in the instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (old Section 482 of Cr.P.C.) is for quashing of the order dated 26.05.2023 (Annexure P-1) wherein application for declaring respondent No.2 as juvenile was allowed in FIR No.123 dated 11.03.2022 under Sections 363, 366, 376(2)(n) of IPC and Section 6 of POCSO Act, registered at Police Station Industrial Sector-29, Panipat (Annexure P-2).

2. Learned counsel for the petitioner submits that grave allegations of committing repeated penetrative sexual assault upon the minor prosecutrix have been levelled against respondent No. 2, who was subsequently arrested and thus remained in custody from 13.05.2022 to 26.05.2023. During trial, he claimed juvenility on the basis of certain documents, which were neither properly verified by the police nor



effectively contested. Relying solely upon such unverified documents, the learned trial Court declared him a juvenile vide order dated 26.05.2023, without issuing notice to or hearing the petitioner, in violation of principles of natural justice and statutory mandate prescribed under Section 94 of the Juvenile Justice Act. It is submitted that subsequent records that have now been obtained by the petitioner, including his aadhar card, transfer certificate, school leaving certificate etc., duly establish that the actual date of birth of respondent No. 2 is 02.08.2002, rendering him a major at the time of commission of the alleged offences. Thus, it is prayed that the instant petition be allowed and the impugned order dated 26.05.2023 be quashed.

3. *Per contra*, learned State counsel has opposed the submissions made by the learned counsel for the petitioner, and submitted that the impugned order was passed by the learned trial Court based on the material on record, and in accordance with the procedure established under law. Moreover, the question of whether a document is fraudulent is a question of fact, which can be raised in due course of the trial. Such an endeavour cannot be undertaken in exercise of the powers vested under section 482 Cr.P.C, that too at this belated stage. The trial in the present case is also progressing at a considerable pace.

4. Heard learned counsel on either side and perused the judicial record with their able assistance.

5. A perusal of the case record reveals that the learned trial Court followed the statutory hierarchy under Section 94(2) of the Juvenile Justice Act while declaring respondent no. 2 as a juvenile for the purpose of the trial. Since a school certificate was produced showing the date of birth as



law. Moreover, the order declaring the accused a juvenile was passed on May 26, 2023, which remained unchallenged until the filing of the present petition. The purported independent verification by the petitioner now carried out at a belated stage when much water has flown, cannot automatically override an official school record already accepted by the court.

6. Furthermore, the argument seeking the conduct of an ossification test is also untenable, it being settled law that a medical/ossification test is only required when no school or municipal records are available. In the present case, because the school record was available and presented, the trial court committed no error in law by refusing or skipping a medical examination. Learned counsel for the petitioner has not been able to indicate any illegality or perversity in the impugned order, or the presence of any supervening or exceptional circumstances, which would warrant interference by this Court.

7. Accordingly, the present petition, being bereft of any merit, stands dismissed.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

April 21, 2026
Ritika

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No