SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/1948/2026 Rakesh and Others .....Applicants **Versus** State Of Uttarakhand .....Respondent **Hon'ble Alok Mahra, J.** Rajat Mittal, learned counsel for the applicants. 2. Mr. Rakesh Joshi, learned A.G.A. and Mr. Manoj Bhatt, learned Brief Holder for the State. 3. Mr. Deepak Joshi, proxy counsel for Ms. Poonam Rauthan, learned counsel for respondent no.2. 4. Present C-528 application has been filed seeking quashing of the charge-sheet as well as the cognizance/summoning order dated 29.07.2024 passed by the learned Fast Track Court/Special Court (POCSO)/Addl. District Judge, Dehradun District Dehradun in Special Session Trial No.148 of 2026 for the offences punishable under Sections 363, 366-A, 506, 376(3) of I.P.C. and Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012, along with the entire criminal proceedings arising therefrom. 5. Learned counsel for the applicants would submit that respondent no. 2, who is the father of the victim, lodged the F.I.R. alleging therein that his daughter had gone missing on 15.05.2024 at about 4:00 P.M. and could not be traced despite efforts made

			by the family members to search for her. It was further alleged that the complainant had earlier seen the victim indulging in certain objectionable acts with applicant no. 1, whereupon he had scolded her and the complainant expressed his apprehension in the F.I.R. that his daughter might have been killed or sold to someone by the applicants. It was also alleged that the family members of applicant no. 1 had advised him to keep the victim with him for some time and thereafter sell her in Haryana; that, pursuant to the investigation, the police submitted a charge-sheet against applicant no. 1 for the offences punishable under Sections 363, 366-A, 506 and 376(3) of the I.P.C. and Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012, in Case Crime No. 03 of 2024; that, the applicants nos. 2 and 3 were also summoned to face trial for the offence punishable under Section 506 IPC, on which, the learned trial court took cognizance and issued summons against the applicants. 6. Learned counsel would further submit that the applicants are innocent and have falsely been implicated in the present matter; that, the medical examination of the victim was conducted; however, the concerned Medical Officer did not give any definite opinion regarding the commission of rape, as alleged by the prosecution. He would further submit that the victim was recovered from the company of applicant no. 1 on 02.06.2024, approximately 17 days after the lodging of the F.I.R. He would also submit that the statements of the victim

			were recorded during investigation under Sections 161 and 164 Cr.P.C., wherein she categorically stated that she had known applicant no. 1 since childhood, that both were in love with each other and that she had accompanied him of her own free will. She further stated that although applicant no. 1 had asked her to return to her home, she herself refused to do so. 7. He would further submit that the victim specifically denied having been subjected to any sexual assault by applicant no. 1. It is further contended that when the victim was examined as PW-1 before the learned trial court, she reiterated the version given by her in her statements recorded during investigation and did not support the allegations of sexual assault levelled by the prosecution. 8. Learned counsel would further submit that seven prosecution witnesses have already been examined before the learned trial court and that the victim, while appearing as PW-1, has not levelled any allegation of rape or sexual assault against applicant no. 1. Rather, she has reiterated that she was in a love relationship with applicant no. 1 and had accompanied him voluntarily. He would further submit that neither in her statement recorded under Section 164 Cr.P.C. nor in her examination-in-chief before the learned trial court has the victim made any allegation constituting the offence of rape or sexual assault. Thus, the material available on record does not disclose the commission of the alleged offences against the applicants, and continuation of the criminal proceedings

			would amount to an abuse of the process of law. Hence, the impugned proceedings are liable to be quashed. 9. Per contra, learned State counsel would vehemently oppose the submissions advanced by learned counsel for the applicants and submitted that serious allegations have been levelled against the applicants. However, learned State counsel does not dispute the fact that the victim, in her statements recorded during investigation as well as in her testimony before the learned trial court, has not supported the prosecution case. It is also not disputed that the victim has denied having any physical relationship with applicant no. 1 and has stated that both were in a love relationship and that she had accompanied applicant no. 1 of her own free will. 10. Heard learned counsel for the parties and perused the material available on record. 11. It is not disputed that the victim, in her statement recorded under Section 164 Cr.P.C. as well as in her testimony before the learned trial court, has not supported the prosecution version regarding the alleged sexual assault. Rather, she has categorically stated that she was acquainted with applicant no. 1 since childhood, that both were in a love relationship and that she had accompanied him voluntarily. She has not attributed any specific act of sexual assault or any other incriminating act to applicant no. 1. Further, even during her deposition before the learned trial court, she did not substantiate the allegations forming the

basis of the prosecution case.

12. In the aforesaid circumstances, particularly in view of the consistent stand taken by the victim in her statements during investigation and before the trial court, this Court finds that the material available on record does not disclose sufficient grounds to sustain the prosecution proceedings against the applicants for the offences alleged and continuation of the proceedings, in the peculiar facts and circumstances of the present case, would serve no useful purpose and would amount to an abuse of the process of the Court. Accordingly, this Court is of the considered view that the present case falls within the parameters warranting exercise of inherent jurisdiction under Section 528 of the B.N.S.S.

13. Accordingly, the present C-528 application is allowed. The charge-sheet and the cognizance/summoning order dated 29.07.2024 passed by the learned Fast Track Court/Special Court (POCSO)/Additional District Judge, Dehradun, in Special Sessions Trial No. 148 of 2026, arising out of Case Crime No. 03 of 2024 as well as the entire consequential proceedings arising therefrom, are hereby quashed.

14. Pending applications, if any, stand disposed of accordingly.

(Alok Mahra, J.)
31.10.2026

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