

ITEM NO.86

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).139/2026

XXX

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 107488/2026 - EXEMPTION FROM FILING O.T.

IA No. 107486/2026 - GRANT OF INTERIM RELIEF

Date : 10-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :Mr. N. Hariharan, Sr. Adv.
Mr. Siddharth Yadav, Adv.
Mr. Ashish Batra, AOR
Mr. Rahul Sambher, Adv.
Ms. Sneha Bakshiram, Adv.
Mr. Rahul Yadav, Adv.
Mr. Ayush Kumar Singh, Adv.
Mr. Kashish Ahuja, Adv.
Mr. Aman Akhtar, Adv.
Mr. Arjan Singh Mandla, Adv.
Mr. Hitesh Yadav, Adv.

For Respondent(s) :Dr. Vijendra Singh, AOR
Mr. Kumar Abhinandan, Adv.
Mr. Manish Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. This writ petition is nothing short of an appalling account of a brutal attack on a four-year-old girl by her own neighbour. The petition not only reveals this diabolic offence but also highlights the alleged approach of two private hospitals and the officers of

the local police station, which is completely indifferent, inhuman, and insensitive.

2. It is stated that on 16.03.2026, when the petitioner, the father of the victim child, returned home from work, his neighbour (the accused) arrived at the home and took the petitioner's four-year-old daughter (the victim) with him on the pretext of buying her a chocolate. When they did not return home on time, the petitioner, his elder son, and another neighbour went to search for the daughter. They reached the fields behind Pandit Tejram School and saw the accused emerging from the fields. The accused statedly informed them that the victim was still in the field, whereupon the petitioner found her lying unconscious and covered in blood. The petitioner took her to a private hospital (respondent no.3), but the doctor at that institution refused to treat her. He then took her to another private hospital (respondent no.4), which also denied admission to the victim child. Finally, the victim child was taken to MMG District Hospital, Ghaziabad (a government hospital), where she was declared dead on arrival.

3. The petitioner and his family members' trauma was further compounded when they reported the matter to the local police station. It is averred that, instead of taking cognisance of such a horrifying offence, the petitioner and his family members, including his wife, were locked up and physically assaulted, with an admonition to remain silent about the incident.

4. FIR No.129/2026 was finally lodged on the next day, i.e., 17.03.2026, at Police Station Nandgram (Ghaziabad Commissionerate) under Sections 103(1) and 238(a) of the Bharatiya Nyaya Sanhita,

2023 ("BNS"), which are equivalent to Sections 302 and 201 of Indian Penal Code, 1860 ("IPC"). Most shockingly, neither any offence under the POCSO Act nor the offence under Section 64 of the BNS (corresponding to Section 376 of the IPC) was added or registered, despite it being apparent that it was a case of sexual assault.

5. The material placed on record presents a graver picture. From a perusal of the inquest report contained in the *panchnama* dated 17.03.2026, we see that it records that the victim's private parts were injured and bleeding. While the officer notes the clothes worn by the victim on her upper body, there is conspicuously no indication as to whether the victim child was wearing any clothes on the lower part of her body. The postmortem report bearing the same date also reveals that several wounds and the presence of blood were observed on the victim's private parts, apart from various injuries on her head and other body parts. The doctor who conducted the postmortem examination also, unfortunately, failed to identify these indicators of the brutal aggravated sexual assault committed on the child and made no consequential inquiry.

6. It appears that, having realised the gravity and seriousness of the offence alleged, the accused was apprehended and arrested on 18.03.2026.

7. The petitioner and his family, in the ensuing process, have lost faith in the local police as well as the private medical institutions.

8. The facts and circumstances of this case prick the conscience of this Court. We are satisfied that, to ensure complete justice

for the petitioner and his family, an immediate, Court-monitored, time-bound investigation by a Central independent investigating agency or a Special Investigation Team is required.

9. Issue notice to respondent nos. 1 to 5, returnable on 13.04.2026. There is no need to issue notice to respondent no. 6 at this stage.

10. Dr. Vijendra Singh, AOR, accepts notice on behalf of the State of Uttar Pradesh. The standing counsel for the State of Uttar Pradesh is directed to file a status report.

11. The Commissioner of Police, Ghaziabad and the SHO, Police Station, Nandgram, Ghaziabad are directed to remain present in Court along with all the original records.

12. The Police Authorities, meanwhile, are directed to effect service of notice on private hospitals, i.e., respondent nos.3 and 4.

13. The State and Police Authorities, as well as the hospitals and other institutions, are directed to ensure that the identity of the victim child and her family members are not disclosed. The same shall be appropriately redacted from the documents/records. The Registry is also directed to ensure that the name of the victim, the petitioner, or any other family member is appropriately redacted in the cause title, the details on the website of this Court, and the paperbooks of this petition.

14. The Police Authorities are, meanwhile, directed not to take any coercive action against the petitioner, his family members, his

neighbours, or other witnesses, including those against whom proceedings under Section 130 of Bharatiya Nagarik Suraksha Sanhita, 2023, are said to have been initiated.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR