



CGHC010124992026

2026:CGHC:30900-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 947 of 2026**

Dr. Aarti Uike (Vaskle) W/o Dr. Fulendra Uike Aged About 45 Years M.D. Radiologist, Registration No. C.G.M.C. 4326/2012, Rajnandgaon Diagnostic Center And Hospital, Wardhman Nagar, G.E. Road Rajnandgaon, Tahsil And District Rajnandgaon (CG)

... Petitioner**versus**

1 - State of Chhattisgarh Through Station House Officer, Police Station Bortalav, District Rajnandgaon (CG)

2 - ABCD (Description of Complainant and Victim is in Close Envelop)

... Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate
For State/ Respondent No.1	:	Mr. Sumit Singh, Dy. Adv. General
For Respondent No.2/victim	:	None appears though served.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****21.07.2026**

1. It transpires from the order dated 11.05.2026 that the notice issued to respondent No.2 / victim was served upon her mother and service report of the same has been received on 30.04.2026 and when the matter was taken up for hearing, neither any representation was made on behalf of respondent No.2 to contest the matter nor any reply has been filed and as such, as a last

opportunity, time was granted to the victim to file reply in the matter and the matter was directed to be listed in the month of July, 2026 and accordingly, the matter is listed today.

2. Today also, when the matter is called up for hearing, none has appeared on behalf of the respondent No.2 / victim to contest the matter.
3. In view of the same, this Court proceeds to hear the matter finally with the consent of learned counsel appearing for the parties.
4. Heard Mr. Sourabh Sharma, learned counsel for the petitioner as well as Mr. Sumit Singh, learned Deputy Advocate General, appearing for the State/ respondent No.1
5. The present petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') has been filed by the petitioner with the following prayer :-

“A. For quashing of entire Criminal proceeding against the petitioner and order dated 11.03.2026 (ANNEXURE-P/1) passed by the Additional Sessions Judge Dongargarh, District Rajnandgaon (C.G.) in Special Session Case No.07/2026 in between 'State of Chhattisgarh V/s Ravi Barve and others', taking cognizance in Crime No.01/2026 FIR dated 01.01.2026 registered at Police Station Bortalav District Rajnandgaon (C.G.), Charge-sheet No.08-A/2026 dated 10.03.2026 for offence punishable under Sections 61(2), 318(4), 337, 338, 339 of the Bhartiya Nyay Sanhita, Section 21 of

Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 80 of the Juvenile Justice (Care and Protection of Children) Act, 2015, whereby petitioner is charge-sheeted for offence punishable under Section 21 of the POCSO Act.

B. For of quashing entire Charge-sheet No.08-A/2026 (ANNEXURE-P/2) dated 10.03.2026 filed by Police Station Bortalav in Crime No. 01/2026 FIR dated 01.01.2026 for offence punishable under Sections 61(2), 318(4), 337, 338, 339 of the Bhartiya Nyay Sanhita, Section 21 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 80 of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the petitioner were by she is charge sheeted for offence under Section 21 of the POCSO Act.

C. Any other relief as deem fit, in the interest of justice.”

6. Learned counsel for the petitioner submits that, according to the prosecution case, a written complaint was lodged on 31.12.2025 by the mother of the victim before Police Chowki Chichola, District Rajnandgaon, pursuant to which a Zero FIR was registered and the case diary was thereafter transmitted to Police Station Bortalav for the purpose of investigation. It is submitted that the victim, aged about 15 years, had initially complained of vomiting in March, 2025 and was treated by a local doctor. Thereafter, in September, 2025, when she complained of abdominal movement, she was taken to a doctor at Pathri, where it was revealed that

she was carrying a pregnancy of approximately eight months. It is further submitted that, upon being questioned, the victim allegedly disclosed that she was acquainted with her schoolmate, who was a minor, and alleged that on 12.02.2025, during a family function, he had established physical relations with her without her consent. Learned counsel further submits that the victim was thereafter taken to Rajnandgaon for sonography and was subsequently shifted to the village of one of her relatives. Thereafter, she was brought back for delivery, where she gave birth to a male child at Krishna Hospital. It is also the allegation of the prosecution that the newborn child was given in adoption at the instance of certain co-accused persons.

7. Learned counsel for the petitioner further submits that the FIR was initially registered only against the said juvenile accused for the offences punishable under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, and a separate charge-sheet has been filed against him before the competent Juvenile Justice Board. It is submitted that the present petitioner has been implicated only during the course of investigation on the allegation that she had conducted the sonography of the victim and had failed to report the matter under Section 21 of the POCSO Act. Learned counsel submits that the petitioner, being a qualified medical practitioner, had duly complied with all the statutory requirements prescribed under the PC-PNDT Act and the Rules

framed thereunder, including forwarding the requisite Form 'F' to the competent authority. It is submitted that there is no material on record indicating any lapse or omission on the part of the petitioner. It is further submitted that the petitioner was arrested on 08.03.2026 for the alleged offence under Section 21 of the POCSO Act, which is a bailable offence, and was subsequently released on bail. Thereafter, a supplementary charge-sheet came to be filed implicating several persons, including the present petitioner, on general and omnibus allegations.

8. Learned counsel for the petitioner further submits that a plain and meaningful reading of the FIR, the statements of the witnesses recorded during investigation, and the charge-sheet would demonstrate that there is no material on record to prima facie establish that the petitioner had any knowledge of, or reasonable apprehension regarding, the commission of an offence as contemplated under Section 19 of the POCSO Act, which is an essential prerequisite for attracting the provisions of Section 21 thereof. In support of his contention, reliance has been placed on the judgment passed by the Hon'ble Supreme Court in the matter of ***Sr. Tessy Jose Vs. State of Kerala***, reported in ***AIR 2018 SC 4654***. It is submitted that, in the absence of such foundational material, the mere act of conducting a diagnostic sonography in the ordinary course of professional duties cannot, by itself, attract criminal liability under the POCSO Act. It is further submitted that the prosecution has not brought on record any material

establishing a nexus between the petitioner and the alleged offence, and that the petitioner's implication in the case is based solely on the fact that she had conducted the sonography of the victim during the course of her professional duties. He lastly submits that the continuation of the criminal proceedings against the petitioner is wholly unwarranted and amounts to an abuse of the process of the Court. It is, therefore, prayed that this Court may be pleased to quash the supplementary charge-sheet and the entire criminal proceedings pending against the petitioner before the learned trial Court, as no prima facie case is made out against her for the offence alleged under Section 21 of the POCSO Act.

9. Per contra, learned State counsel opposes the petition and submits that the FIR was registered on the basis of a written complaint lodged by the mother of the victim, and during the course of investigation sufficient material has been collected to prima facie establish the involvement of the petitioner in the commission of the alleged offence. It is submitted that the victim was a minor aged about 15 years and was found to be carrying an advanced pregnancy, and the petitioner, being a qualified medical practitioner, had conducted the sonography of the victim. He further submits that, being a medical professional, the petitioner was under a statutory obligation to discharge her duties in accordance with law, and the investigating agency, upon appreciation of the material collected during investigation, found

sufficient grounds to invoke the provisions of Section 21 of the POCSO Act. It is further submitted that, after a thorough investigation, a supplementary charge-sheet has been filed against the petitioner and other accused persons, and the question as to whether the petitioner had the requisite knowledge or whether she had failed to comply with the statutory obligation under the POCSO Act are disputed questions of fact, which can be adjudicated only upon appreciation of evidence during trial. Learned State counsel submits that, at this stage, this Court, while exercising its inherent jurisdiction, ought not to embark upon an appreciation of the evidence or conduct a mini-trial. Since the charge-sheet discloses a prima facie case against the petitioner, the criminal proceedings cannot be said to be an abuse of the process of law. It is, therefore, prayed that the present petition, being devoid of merit, deserves to be dismissed.

10. We have heard learned counsel for the parties at length and have perused the record with utmost circumspection.
11. The short question which falls for consideration is whether the material collected during investigation discloses the commission of an offence under Section 21 of the POCSO Act against the present petitioner, so as to justify continuation of the criminal proceedings.
12. Before advertent to the rival submissions, it would be apposite to refer to Sections 19 and 21 of the POCSO Act. Section 19 casts a

statutory obligation upon any person, including a medical practitioner, to report the commission of an offence under the POCSO Act only when such person has **knowledge** that an offence has been committed or has an **apprehension** that such an offence is likely to be committed. Section 21 merely provides the consequence of failure to discharge the obligation contemplated under Section 19 of the POCSO Act. Therefore, the existence of knowledge or apprehension regarding the commission of an offence is the foundational requirement for attracting penal liability under Section 21.

13. In the present case, the allegation against the petitioner is confined to the fact that she had conducted the sonography of the victim when the latter was carrying an advanced pregnancy and did not report the matter to the police. Significantly, neither the FIR nor the statements recorded during investigation nor the supplementary charge-sheet disclose any material to indicate that the victim had informed the petitioner that she had been subjected to sexual assault or that the petitioner otherwise had knowledge that an offence punishable under the POCSO Act had been committed. There is equally no allegation that the petitioner had participated in the commission of the offence, facilitated the offence, or attempted to shield the principal accused.
14. The prosecution has not brought on record any material to prima facie establish the existence of the essential ingredients

contemplated under Section 19 of the POCSO Act. Mere performance of a diagnostic sonography in the ordinary course of professional duties, without anything more, cannot automatically lead to an inference that the medical practitioner had knowledge of the commission of an offence under the POCSO Act. Criminal liability cannot be fastened merely on surmises or assumptions in the absence of the statutory prerequisites.

15. The Hon'ble Supreme Court in **Sr. Tessy Jose** (supra), while interpreting Sections 19 and 21 of the POCSO Act, held that the obligation to report arises only when the person concerned has knowledge of the commission of an offence under the Act and that, in the absence of such knowledge, prosecution under Section 21 cannot be sustained. The Supreme Court further observed that the provisions of Section 21 cannot be invoked in a mechanical manner against persons discharging their professional duties unless the foundational facts necessary to attract the provision are established.
16. It is equally well settled that while exercising jurisdiction under Section 528 of the BNSS (corresponding to Section 482 of the Code of Criminal Procedure), the High Court is empowered to quash criminal proceedings where the allegations made in the FIR and the material collected during investigation, even if taken at their face value, do not constitute the commission of any offence. In **State of Haryana v. Bhajan Lal**, 1992 Supp (1) SCC 335, the

Hon'ble Supreme Court illustratively enumerated the categories of cases where the inherent jurisdiction may be exercised, including where the uncontroverted allegations do not prima facie disclose the commission of any offence or where continuation of the proceedings would amount to abuse of the process of the Court.

17. Similar principles have been reiterated in **R.P. Kapur v. State of Punjab, AIR 1960 SC 866**, wherein it was held that criminal proceedings deserve to be quashed where the allegations do not constitute any offence even if accepted in their entirety. Again, in **Pepsi Foods Ltd. v. Special Judicial Magistrate, (1998) 5 SCC 749**, the Supreme Court observed that summoning an accused is a serious matter and criminal law cannot be permitted to be set in motion as a matter of course. More recently, in **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401**, while reiterating that the power of quashing is to be exercised sparingly, the Supreme Court clarified that where the allegations do not disclose the ingredients of any offence, the High Court would be justified in exercising its inherent jurisdiction to prevent abuse of the process of law.
18. Tested on the touchstone of the aforesaid principles, this Court finds that the entire prosecution case against the present petitioner proceeds only on the premise that she had conducted the sonography of the victim. Except for this circumstance, there is no material to indicate that the petitioner had knowledge of the

commission of any offence under the POCSO Act or that she deliberately omitted to report the same despite such knowledge. The charge-sheet is conspicuously silent as to any circumstance from which such knowledge can reasonably be inferred. Consequently, the essential ingredients necessary for constituting an offence under Section 21 of the POCSO Act are conspicuously absent.

19. In the considered opinion of this Court, permitting the criminal prosecution against the petitioner to continue in the absence of any prima facie material satisfying the ingredients of Sections 19 and 21 of the POCSO Act would amount to abuse of the process of the Court. The present case, therefore, squarely falls within the categories enumerated in **Bhajan Lal** (supra), warranting exercise of the inherent jurisdiction of this Court.
20. Accordingly, the petition deserves to be and is hereby **allowed**. The order dated **11.03.2026** passed by the learned Additional Sessions Judge, Dongargarh, District Rajnandgaon, taking cognizance against the petitioner, the **supplementary Charge-sheet No.08-A/2026 dated 10.03.2026**, insofar as it relates to the present petitioner for the offence punishable under **Section 21 of the POCSO Act**, and all consequential criminal proceedings arising therefrom in **Special Sessions Case No.07/2026**, are hereby **quashed**. Pending application(s), if any, shall also stand disposed of. No order as to costs.

21. It is made clear that the observations made herein are confined only to the case of the present petitioner and shall not affect the merits of the prosecution against the remaining accused persons, which shall be decided independently on the basis of the evidence adduced before the trial Court.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra