



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200111 OF 2026

(482(Cr.PC)/528(BNSS))

C/W

CRIMINAL PETITION NO. 202194 OF 2025

IN CRL.P No. 200111/2026

BETWEEN:

SMT.GEETA
W/O SHARANAPPA SALIMANI
AGED ABOUT 47 YEARS
OCC: HOSTEL WARDEN
R/AT PLOT NO.54, OLD JEWARGI ROAD
DEVA NAGAR, KALABURAGI
DIST: KALABURAGI-585101

...PETITIONER

(BY SRI. BASAVARAJ C. JAKA., ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SHAHAPUR POLICE STATION
DIST: YADGIRI-585201
NOW REPRESENTED BY
ADDL. SPP HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107

...RESPONDENT

(BY SRI.JAMADAR SHAHABUDDIN, HCGP)





THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW) PRAYING TO ALLOW THIS PETITION AND BE PLEASED TO QUASH THE PROCEEDINGS IN SPL.C.NO. 220/2025 PENDING ON THE FILE OF DISTRICT AND SESSIONS JUDGE AT YADGIRI, SO FOR AS PETITIONER IS CONCERNED, ARISING OUT OF IN CRIME NO.204/2025 REGISTERED BY THE RESPONDENT SHAHAPUR POLICE, DIST.YADGIRI FOR THE OFFENCES PUNISHABLE U/SEC.33 AND 34 OF JUVENILE JUSTICE ACT 2015, AGAINST THE PETITIONER, TO SECURE THE ENDS OF JUSTICE AND TO PREVENT ABUSE OF PROCESS OF THE COURT.

IN CRL.P NO. 202194/2025

BETWEEN:

BASAMMA W/O SHARADKUMAR PATIL
AGE: 46 YEARS, OCC: PRINCIPAL
DR. AMBEDKAR RESIDENTIAL SCHOOL
HALESAGAR VILLAGE, TQ: SHAHAPUR
R/O NEAR GADDERAYANAGUDI, SHAHAPUR
TQ: SHAHPUR, DIST: YADGIR-585201

...PETITIONER

(BY SRI. SANJAY A PATIL., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SHAHAPUR POLICE STATION
SHAHAPUR SUB-DIVISION
DIST: YADGIR-585201
R/BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107
2. NIRMALA W/O HOMBANNA SURPUR
AGE: 52 YEARS
OCC: DISTRICT CHILD WELFARE OFFICER
YADGIR R/O TALIKOTI
PRESENTLY RESIDING AT



LAXMI NAGAR, YADGIR
DIST: YADGIR-585201

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN, HCGP FOR R1;
R2 SERVED)

THIS CRL.P IS FILED U/SEC. 528 OF BNSS (NEW) PRAYING TO A) QUASH THE PROCEEDINGS IN SPL. C NO.220/2025 ON THE FILE OF DRISTRICT AND SESSIONS JUDGE YADGIR PENDING ON ITS FILE AGAINST THE PETITIONER/ACCUSED NO.4 FOR THE OFFENCES PUNISHABLE U/SEC.64(2) (M) OF BNS-2023, SEC.4, 6, 19 OF POCSO ACT, 2012 AND SEC.33 AND 34 OF JUVENILE JUSTICE ACT, 2015 AND SEC.3(1)(w), 3(2)(v) OF SC/ST PoA ACT, 1989 AS PER CHARGE SHEET (ARISING OUT OF CRIME NO.204/2025 REGISTERED BY SHAHAPUR POLICE STATION, DISTRICT YADGIR/1ST RESPONDENT HEREIN AND ETC.,

THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

These two petitions are filed by the petitioners/accused Nos.2 and 4 under Section 528 of BNSS to quash the proceedings against them, in Spl.C.No.220/2025, arising out of Crime No.204/2025, registered by the Shahapur Police for the offences punishable under sections 64(2)(m) of BNS, 2023, Sections 4, 6 and 19 of POCSO Act, 2012, Sections 33 and 34 of Juvenile Justice (Care and Protection of Children) Act, 2015, (for short, 'J.J. Act') and Sections 3(1)(w) and 3(2)(v) of SC/ST



(Prevention of Atrocities) Act, 1989,(for short,'SC/ST (POA) Act') pending on the file of Principal District and Session Judge, Yadagir.

2. The factual matrix of the case is that, complainant-District Child Welfare Officer, lodged a complaint against the petitioners and others on 28.08.2025, before respondent-Police alleging that, on 27.08.2025 at about 09.30 p.m., she received an information through phone from one Parvatha Reddy, a field worker of Shahapur Taluk, that when he was in Shahapur bus stop he heard from the public that a minor girl in Dr. B. R. Ambedkar residential school hostel, Shahapur, has delivered a male child and immediately he went to hostel and enquired about the said girl. However, the employees of the hostels have informed him that the girl has been shifted to Taluk Govt. Hospital, Shahapur, for medical treatment. Accordingly, he went to Govt. Hospital, Shahapur and saw the girl, enquired the warden of the hostel and Principal of the School, who were present at the place and then, he came to know the name of that girl, her age and the fact that she was studying 9th Standard and residing at Jampapuradoddi Kakkera village.



However, the said girl has not stated the name of the boy who was responsible for the same.

3. Further, on 28.08.2025 at about 06.00 a.m., on the basis of above information of the field worker Mr. Parvatha Reddy, the complainant and another visited the Hospital, Govt. Hospital, Shahapur and confirmed that the girl was minor, aged about 17 years and studying in 9th Standard at B. R. Ambedkar Residential School and has delivered a male child in the hostel washroom at around 02.00 p.m., on 27.08.2025. Further, it was revealed that, the minor girl had been sexually assaulted before 9 to 10 months, resulting in her pregnancy and the School authorities, warden i.e., petitioner/accused No.2 in Crl.P.No.200111/2026, staff nurse and the principal i.e., accused No.4/petitioner in Crl.P.No.202194/2025, failed in their duty to monitor, protect and report the condition of the minor girl. As such, the complainant lodged the complaint against five persons including the petitioners, which was registered in the Crime No.204/2025 by the respondent-Police for the aforementioned offences.



4. During the course of investigation, statement of the victim girl was recorded on 29.08.2025 and she revealed that, one Paramanna i.e., accused No.1, committed forcible sexual intercourse on her one year prior to the date of incident, when she was absent to school. Thereafter, the said person was arrested and implicated in the crime by arraying as accused No.1 and the respondent-Police laid the charge sheet before the Special Court against the petitioner and others by arraying the petitioners as accused Nos.2 and 4. Accordingly, the Special Judge took cognizance of the offences. Aggrieved by the same, petitioner/accused No.4 preferred Criminal Petition No.202194/2025 and petitioner/accused No.2 preferred Criminal Petition No.200111/2026 to quash the proceedings against them.

5. Heard learned counsels for the petitioner and learned HGCP for respondent-State in both the petitions.

6. Apart from urging several contentions, the learned counsels for the petitioner in both the petitions has primarily contended that, in the charge sheet, the offences invoked against these petitioners are Sections 33 and 34 of J.J Act. In



order to attract the said provisions, the accused has to commit an offence under Section 32 of the said act and in order to attract Section 32 of J.J. Act. However, in the instant case, the child is not abandoned or orphan and she has not handed over by any individual or functionary authority. As such, Sections 33 and 34 of the J.J. Act do not attract against the petitioners. They also contended that, accused No.4 being the principal of the high school, absolutely unaware of the physical fitness of the child or about her pregnancy and she came to know about the incident on the date of delivery. After the incident, herself and accused No.2/petitioner in CrI.P.No.200111/2026 immediately, shifted the victim to the above said Government Hospital. They further contented that, accused No.4 joined the School 54 days prior to the date of delivery of the victim and stated that, either accused No.2 or accused No.4 have no such knowledge about the pregnancy of the victim before her delivery. In such circumstances, the ingredients of Section 19 of POCSO Act also does not attract against them.

7. Further, the learned counsel for accused No.2/petitioner in CrI.P.No.200111/2026 by placing reliance on the reply for the show cause notice and the attendance register of



the victim in the hostel submit that, the victim was present only 10 days in the month of January 2025, 10 days in the month of March 2025, 10 days in the month April 2025, 8 days in the month of June 2025, 12 days in the month of July 2025 and 17 days in the month of August 2025. Except that, she remained absent almost throughout from January to August, 2025. In such circumstances, accused No.2 absolutely unaware about her pregnancy or the sexual act committed by accused No.1 on her. He also relied on the register extract of the hostel i.e., pertaining to the Infosys Foundation Girls' wellness Program year 2025-26 and submits that the victim received two pads on 01.06.2025, i.e., before two months prior to the date of incident. In such circumstances, it reveals that the warden/accused No.2 was unaware about the pregnancy. Hence, they pray to quash the proceedings against the petitioners.

8. *Per contra*, the learned HCGP opposed the prayer on the ground that, accused No.2/ petitioner in Crl.P.No.200111/2026 being the warden and accused No.4/ petitioner in Crl.P.No.202194/2026 being the principal of the residence school, must have had diligence and vigilance about



the health condition of the victim. He also contended that, the negligent act of the petitioners, squarely comes within the ambit of Section 19 of the POCSO Act. Further, he contended that, now the investigation is completed and charge sheet has been laid against these petitioners and others, at this stage, the proceedings against them cannot be quashed. Accordingly, he prays to dismiss both the petitions.

9. I have given my anxious consideration both on the submissions made by learned counsel for the respective parties and the documents made available on record.

10. As could be gathered from records, it is not in dispute that the petitioners being accused Nos.2 and 4 are the Hostel Warden and Principal of the Residential School. It is also not in dispute that the victim is the resident of Kakkera Village and often used to visit her parental house from the hostel. The attendance register placed by the learned counsel for the petitioners reveals that the victim was totally remained absent to the school in the month of February 2025 and was present only 10 days in the month of January 2025, 10 days in the month of March 2025, 10 days in the month April 2025, 8 days



in the month of June 2025, 12 days in the month of July 2025 and 17 days in the month of August 2025. Thus, it is clear that, the victim used to visit her parental house from the hostel and during that time, accused No.1 committed sexual act with her and she became pregnant. The material placed by the counsels for the petitioners further discloses that, the victim has totally hidden about her pregnancy in the hostel, even from the warden, the medical officers and from the principal.

11. In such circumstances, it cannot be presumed that either the warden or the principal were aware about her pregnancy and they failed to perform their duty and to inform the incident to the police station. The offences invoked against the petitioners under Sections 33 and 34 of the J. J. Act and in order to attract those sections, the offence has to be committed under Section 32 of the said act. For reference, Section 32 of the J. J. Act reads as under.

"32. Mandatory reporting regarding a child found separated from guardian.—(1) Any individual or a police officer or any functionary of any organisation or a nursing home or hospital or maternity home, who or which finds and takes charge, or is handed over a child who appears or claims to be abandoned or lost, or a child who appears or claims to be an orphan without family



support, shall within twenty-four hours (excluding the time necessary for the journey), give information to the Childline Services or the nearest police station or to a Child Welfare Committee or to the District Child Protection Unit, or hand over the child to a child care institution registered under this Act, as the case may be. 1

[(2) The information regarding a child referred to in sub-section (1) shall be uploaded by the Committee or the District Child Protection Unit or the child care institution, as the case may be, on a portal as may be specified by the Central Government in this behalf.]”

12. On careful reading of the above provisions, the same does not attract against these petitioners. It is contented by the learned HGCP that, in addition to the above provision, section 19 of the POCSO Act also attracts against these petitioners. In order to attract Section 19 of the POCSO Act, there must be knowledge on the part of these petitioners about the commission of the crime and such knowledge has to be received by them by way of information from some other persons. But in the instant case, the charge sheet material does not disclose that some other persons have informed about the pregnancy of the victim to accused Nos.2 or 4 and nevertheless, the statement under Section 180 of BNSS, 2023, of the victim also reveals that, she had not informed this



incident to the petitioners. In such circumstances, the argument advanced by HCGP cannot be accepted that Section 19 of POCSO Act attracts against the petitioners. No doubt, an unfortunate incident has caused at the instance of accused No.1 against the minor child/the victim, however, these petitioners being the warden and principal of the college cannot be held responsible for the alleged act committed by accused No.1.

13. In such circumstances, if the entire allegation on the charge sheet materials is taken on its face value also, the charge sheeted offences against these petitioners do not attract against them. Hence, I am of the considered view that the continuation of the proceedings against these petitioners is nothing but an abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

- i. Both petitions are ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.2 and 4 in Spl.C.No.220/2025, arising out of Crime



No.204/2025, registered by the Shahapur Police for the offences punishable under sections 64(2)(m) of BNS, 2023, Sections 4, 6 and 19 of POCSO Act, 2012, Sections 33 and 34 of Juvenile Justice (Care and Protection of Children) Act, 2015, (for short, 'J.J. Act') and Sections 3(1)(w) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989,(for short, 'SC/ST (POA) Act') pending on the file of Principal District and Session Judge, Yadagir, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

THM
List No.: 1 SI No.: 36\CT-BH