

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 8651 of 2024

Petitioner :- Miss Olive Rohit Alias Olive Rose Caleb And 2 Others

Respondent :- State Of Up And 2 Others

Counsel for Petitioner :- Gaurav Tripathi

Counsel for Respondent :- G.A.,Man Mohan Mishra

Hon'ble Rajiv Gupta,J.

Hon'ble Shiv Shanker Prasad,J.

1. Supplementary affidavit, filed today in Court on behalf of the petitioners, is taken on record.

2. Heard Shri Gaurav Tripathi, learned counsel for the petitioners, Shri P.K. Giri, learned Additional Advocate General for the State-respondent nos. 1 and 2 and perused the record.

3. Learned counsel for the petitioners submits that the petitioner no.1 is the teacher of a reputed school where the son of the informant is studying in Class Xth. He further submits that as per the allegation in the F.I.R, which is registered by invoking provision of Section 156(3) of Cr.P.C, it is stated that petitioner no.1 is putting pressure on his son (name not disclosed) for establishing sexual relationship and for converting to Christianity. It is stated that on 30th September, 2023, when the informant checked the mobile phone of his son he got this information. Later on, the accused persons without permission of child has aired the chat on social media which also went viral on some news channels. In this regard, a complaint was filed before the Child Welfare Committee, Kanpur and senior police officer but no action was taken.

4. The counsel for the petitioners has placed on record supplementary affidavit and an inquiry report which was conducted on the instructions of the Principal, St. Aloysius High School, Cantt Kanpur Nagar being the Principal of the school. Learned counsel further submits that this inquiry is conducted by three independent persons, i.e. a retired P.C.S. Officer, a Principal of another school and a social worker. The conclusion drawn in the inquiry is that on the occasion of some dance competition, the mobile number of the lady teacher was taken by the son of the

informant and thereafter by making fake IDs using her mobile phone, he started chatting on fake IDs and even started putting mental pressure on her.

5. When the matter was highlighted, the son of the informant started leveling allegation of establishing sexual relationship with his teacher, which is without any basis.

6. It is also opined in this inquiry report that though the child is minor, however, he is mentally strong person and is dominating over the others.

7. It is also pointed out by the counsel for the petitioners that an FIR has also been lodged by petitioner no.1 against respondent no.3 [REDACTED] [REDACTED], which is registered vide Case Crime No.3 of 2024, under Sections 354-A, 504, 507 IPC and Section 66C of the I.T. Act.

8. Matter requires consideration.

9. Notice on behalf of respondent Nos. 1 and 2 has been accepted by learned A.G.A. for the State.

10. Issue notice to respondent no. 3 returnable within three weeks.

11. The Commissioner of Police, Kanpur is directed to transfer investigation to cyber cell which will submit a report if the child has created any fake account using mobile phone/I.D. of the lady teacher. The informant will hand over the original phone to the police.

12. All the respondents may file counter affidavit within four weeks from today. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.

13. Put up this case as fresh on 10th July, 2024.

14. In the meantime, no coercive action will be taken against the petitioners and they will not be arrested in pursuance of the instant FIR arising out of Case Crime No. 83 of 2023, under Section 506 IPC, Section 3 and 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 and Section 9, 10 and 23 of Protection of Children from Sexual Offences Act, 2012, Police Station Cantt, Eastern Commissionerate Kanpur Nagar, District Kanpur Nagar.

Order Date :- 23.5.2024

Subham