

**Court No. - 47**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 6450 of 2024

**Petitioner :-** Principal St Aloysius High School Cantt Kanpur  
Nagar

**Respondent :-** State Of Up And 2 Others

**Counsel for Petitioner :-** Gaurav Tripathi, Praveen Kumar Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Arvind Singh Sangwan, J.**

**Hon'ble Ram Manohar Narayan Mishra, J.**

1. Supplementary affidavit filed today on behalf of the petitioner which is taken on record.
2. Heard Sri Gaurav Tripathi, learned counsel for the petitioner, Sri Arvind Prabodh Dubey, learned counsel for the respondent no. 3 and Sri P.K. Giri, Additional Advocate General, for the State-respondent nos. 1 and 2.
3. Learned counsel for the petitioner submits that petitioner is a Principal 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 a lady teacher of the school (name not disclosed) 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 petitioner has placed on record supplementary affidavit and an inquiry report which was conducted on the instructions of the petitioner 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 her 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. Without commenting anything on the inquiry report, considering the facts the petitioner is only a Principal and not named in person in the F.I.R. and there is no direct allegation against him, and in fact he acted on the complaint of the informant by referring the matter to the Inquiry Committee, we find that matter requires consideration.

8. Even the role of child himself requires a probe as in case the allegation as per inquiry report are found correct, criminal prosecution can be initiated both against informant and his son.

9. Notice on behalf of respondent Nos. 1 and 2 has been accepted by learned A.G.A. for the State and the respondent no. 3 is present through his counsel Sri Arvind Prabodh Dubey.

10. 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.

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

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

13. In the meantime, no coercive action will be taken against the petitioner and he will not be arrested in the present F.I.R.

**Order Date :- 24.4.2024**

Vikram