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NC: 2026:KHC:34154
CRL.P No. 9422 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 9422 OF 2026

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BETWEEN:

1. MR.SHIVAPRASAD BHAT
AGED ABOUT 43 YEARS
S/O. SHRIDHARA BHAT,
RESIDING AT. NO. 2-55,
MEENAKSHI NIVASA,
KANTAVARA VILLAGE AND POST
UDUPI DISTRICT – 574 129.
MOB: 89701 74754
2. MR. JAYASHEELA
AGED ABOUT 39 YEARS
S/O. SANJEEVA BHANDARY
RESIDING AT NO.3-75,
BHANDARY HITTHILU HOUSE
AMTADY
DAKSHINA KANNADA DISTRICT – 574 211.
3. MR. RAJESH LOBO
AGED ABOUT 39 YEARS
S/O ALPHONSE LOBO
RESIDING AT NO.15-127
SHANTHIBETTU
KARINJE VILLAGE, TACCODE POST,
KODANGALLU S.O
MANGALURU TALUK
DAKSHINA KANNADA DISTRICT – 574 197.





MOB: 9880004164

...PETITIONERS

(BY SRI JITHIN JEIJO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH MOODABIDRE POLICE STATION,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.
2. DR. GOPALAKRISHNA SHANABOG
AGED ABOUT 47 YEARS
RESIDING AT NO.403,
3RD FLOOR, SIMS CAMPUS,
SHIVAMOGGA – 577 201.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I A/W
SMT.WAHEEDA M.M., HCGP FOR R-1)

THIS CRL.P IS FILED U/S 528 BNSS, 2023 PRAYING TO
QUASH THE FIR REGISTERED AGAINST THE PETITIONERS IN
CR.NO.94/2026 FOR THE OFFENCES P/U/S 4, 8 AND 21 OF
POCSO ACT 2012, PENDING ON THE FILE OF THE ADDL.
DISTRICT AND SESSIONS COURT, FTSC-II, MANGALURU,
DAKSHINA KANNADA.

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



CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners/accused 2, 3 and 4 stand before the Court calling in question registration of a crime in Crime No.94 of 2026 registered for offences punishable under Sections 4, 8 and 21 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for short).

2. Shorn of unnecessary details, facts, in brief, germane are as follows: -

2.1. The 2nd respondent is the complainant. Petitioner No.1/accused No.2 is the Head Master, Excellent English Medium School, Moodabidre ('the School' for short). The 2nd petitioner/ accused No.3 is the Assistant Head Master and warden of the school. Petitioner No.3/accused No.4 is the Child Welfare Officer of the school. An incident of sexual assault unfolds on 2nd June 2026 at about 1 a.m. The son of the complainant studying in 10th standard at the school stays in the hostel. The accused No.1 who is the roommate and classmate of the son of the complainant is said to have thrust his erect



penis into the complainant's son's mouth and when the complainant's son immediately tried to wake up his other roommate, he did not come to any help. The further allegation is that the son of the complainant immediately reported and complained to the resident warden about the incident. However, despite immediate complaint or reporting, the petitioners/accused did not take the matter seriously nor recorded the statement of the witnesses properly.

2.2. The next morning, the incident of sexual assault was reported and complained to the resident wardens. Again, no action was taken. The accusation was that the victim boy, the son of the complainant was participating in a consensual act. The boy had communicated the incident through a letter. The Child Welfare Officer/accused No.4 is said to have destroyed the original letter written by the victim and made him write another letter on his instructions, that no sexual offence had taken place and a false complaint was given as a result of fight between the two boys. The boy was threatened that action would be taken under the POCSO Act. Therefore, the institution



did not bring it to the notice of the victim boy's parents. On 03-06-2026 the accused confesses to the incident.

2.3. On 08-06-2026, 5 or 6 days later, two boys handed over their mobile phones to the school authorities. On 10-06-2026, it appears that disciplinary action against the victim boy was taken on being caught with the phone in the hostel. It is then the victim boy narrates the entire incident to his father. Then comes the complaint on 14-06-2026, alleging the offences under Sections 4, 8 and 21 of the POCSO Act before the Women's Police Station, Shimoga. A zero FIR is transferred to the jurisdictional Police i.e., the 1st respondent and then comes the crime in Crime No.94 of 2026 drawing four accused persons into the web of proceedings, namely, the student who committed the offence as accused No.1 and the petitioners as accused Nos.2, 3 and 4 respectively. Even before the ink on the crime could dry, the petitioners are before this Court calling in question the registration of the crime and seek its complete obliteration.



3. Heard Sri Jithin Jeijo, learned counsel appearing for the petitioners and Sri B.N. Jagadeesha, learned State Public Prosecutor-1 appearing for the respondent No.1.

SUBMISSIONS:

PETITIONERS:

4. The learned counsel appearing for the petitioners would vehemently contend that Sections 4 and 8 of the POCSO Act are against the principal accused, accused No.1 and not against these petitioners. Against these petitioners what is alleged is only Section 21 of the POCSO Act, which is failure to report of the incident. Section 21 of the POCSO Act is a bailable offence and mechanically roping in, institutional heads under a bailable offence, warrants interference at the hands of this Court. The learned counsel submits that the essential ingredient of Section 21 of the POCSO Act is the intentional omission, despite having the knowledge of the offence, to report the offence. The alleged incident has taken place at mid-night in the hostel between private individuals. The petitioners had no knowledge. Therefore, *mens rea* or the



allegation that they are trying to shield the main perpetrator cannot be attributed to the petitioners. He would further contend that the allegations are vague, improper and do not attract any of the provisions. Therefore, he would seek quashment of the crime itself against these petitioners.

STATE PUBLIC PROSECUTOR:

5. Per contra, the learned State Public Prosecutor-I Sri B.N. Jagadeesha would vehemently refute the submissions and contend that if it was only the allegation of non-reporting, all these submissions would have merited acceptance. Though non-reporting is also one of the allegations, they have threatened the victim boy to change the narration given by him on phone and developed a story of usage of the phone in the hostel and made the victim boy to change the narration. Therefore, the petitioners have harboured the offender as well, apart from not reporting the incident and exposed themselves to the offence under Section 21 of the POCSO Act.



6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record. The only issue that falls for consideration is:

"Whether the crime so registered must be obliterated against the petitioners?"

CONSIDERATION:

7. The afore-narrated facts, dates and link in the chain of events are all a matter of record. The offences alleged are under Sections 4, 8 and 21 of the POCSO Act. Section 4 deals with penetrative sexual assault. Section 8 deals with punishment for sexual assault, both of which cannot be attributed to the petitioners. Therefore, what could be attributed to the petitioners is undoubtedly the offence under Section 21 of the POCSO Act. Section 21 of the POCSO Act reads as follows:

"21. Punishment for failure to report or record a case.—(1) Any person, who fails to report the commission of an offence under sub-section (1) of Section 19 or Section 20 or who fails to record such offence under sub-section (2) of Section 19 shall be punished with imprisonment of either description



which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of Section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act."

Section 21 punishes those who would not report the offence as necessary under Section 19 of the POCSO Act. Section 19 thus reads as follows: -

"19. Reporting of offences.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

(a) the Special Juvenile Police Unit; or

(b) the local police.

(2) Every report given under sub-section (1) shall be—

(a) ascribed an entry number and recorded in writing;

(b) be read over to the informant;

(c) shall be entered in a book to be kept by the Police Unit.



(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1)."

The statutory scheme of the POCSO Act leaves little room for equivocation. It is built upon the foundational premise that every allegation of sexual abuse against a child must be treated with utmost seriousness, promptly reported, and immediately set into motion before the



statutory authorities. The legislative intent is not merely punitive towards the principal offender, but equally preventive against institutional silence. The duty to report is, therefore, not a matter of discretion but a statutory command.

8. Section 19 of the POCSO Act casts an unequivocal obligation upon **every person** who has knowledge or even an apprehension that an offence under the POCSO Act has been committed, to forthwith communicate such information to the Special Juvenile Police Unit or the local police. The provision is couched in mandatory language. **The Legislature has consciously employed the expression "*shall*" leaving no latitude to any individual or institution to undertake a parallel inquiry, weigh the credibility of the victim, broker a settlement, or conclude that the allegation is false. The statute recognises that the determination of truth is the exclusive province of the investigating agency and, ultimately, the Special Court, and not of the management of an educational institution.**



9. Section 21 of the POCSO Act gives teeth to this legislative command. It criminalises the omission to report an offence as mandated under Section 19 of the POCSO Act and, in sub-section (2), imposes a higher degree of responsibility upon every person who is in charge of an institution. Educational institutions, particularly residential schools and hostels entrusted with the care of children, stand *in loco parentis*. They owe not merely a moral duty but a heightened statutory obligation to ensure that every allegation of child sexual abuse is immediately brought to the notice of the law-enforcement machinery. Institutional reputation, internal disciplinary mechanisms, or subjective satisfaction regarding the veracity of the complaint can never eclipse the statutory mandate.

THE JURISPRUDENCE:

10. The interpretation of Sections 19 and 21 of the POCSO Act need not detain this Court for long and delve deep into the matter.



10.1. The Apex Court in **JUST RIGHTS FOR CHILDREN**

ALLIANCE v. S.HARISH¹, holds as follows:

“ ”

251. Thus, it is evident that, to achieve the avowed purpose, **a legal obligation has been imposed under the POCSO Act on any person to report an offence to the relevant authorities specified therein if they have knowledge that an offence under the Act has been committed. This obligation also extends to individuals who have reason to believe that an offence under the Act is likely to be committed. In addition to imposing this legal duty under Section 19, the legislature being in *seisin* of the paramount importance in collectively addressing the problems of child abuse and exploitation, deemed it expedient to make the failure to discharge this obligation punishable under Section 21 of the Act. Such provisions have been inserted with a view to ensure strict compliance of the provisions under the POCSO and thereby to ensure that the tender age of children is not being abused and their childhood and youth is protected against exploitation.**

252. In *Shankar Kisanrao Khade v. State of Maharashtra*, (2013) 5 SCC 546, this Court expressing its anguish over the large number of cases of abuse and exploitation of children, held that such issues must be collectively dealt by all stakeholders in a child-centric manner by applying the *best interest of child standard*, since best interest of the child is paramount and not the interest of perpetrator of the crime. It further *inter-alia* laid down the manner in which all persons in charge of the schools/educational institutions, special homes, children homes, shelter homes, hostels, remand homes, jails, etc. or wherever children are housed have to comply with the obligation(s) envisaged under Section(s) 19 & 21 of the POCSO. The relevant observations read as under:—

¹ 2024 SCC OnLine SC 2611



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"72. I may also point out that, in large numbers of cases, children are abused by persons known to them or who have influence over them. Criminal courts in this country are galore with cases where children are abused by adults addicted to alcohol, drugs, depression, marital discord, etc. Preventive aspects have seldom been given importance or taken care of. Penal laws focus more on situations after commission of offences like violence, abuse, exploitation of the children. Witnesses of many such heinous crimes often keep mum taking shelter on factors like social stigma, community pressure, and difficulties of navigating the criminal justice system, total dependency on the perpetrator emotionally and economically and so on. Some adult members of family including parents choose not to report such crimes to the police on the plea that it was for the sake of protecting the child from social stigma and it would also do more harm to the victim. Further, they also take shelter pointing out that in such situations some of the close family members having known such incidents would not extend medical help to the child to keep the same confidential and so on, least bothered about the emotional, psychological and physical harm done to the child. Sexual abuse can be in any form like sexually molesting or assaulting a child or allowing a child to be sexually molested or assaulted or encouraging, inducing or forcing the child to be used for the sexual gratification of another person, using a child or deliberately exposing a child to sexual activities or pornography or procuring or allowing a child to be procured for commercial exploitation and so on.

73. In my view, whenever we deal with an issue of child abuse, we must apply the best interest of child standard, since best interest of the child is paramount and not the interest of perpetrator of the crime. Our approach must be child-centric. Complaints received from any quarter, of course, have to be kept confidential without casting any stigma on the child and the family members. But, if the tormentor is the family member himself, he shall not go scot-free. Proper and sufficient safeguards also have to be given to the persons who come forward to report



such incidents to the police or to the Juvenile Justice Board.

74. The conduct of the police for not registering a case under Section 377 IPC against the accused, the agony undergone by a child of 11 years with moderate intellectual disability, non-reporting of offence of rape committed on her, after having witnessed the incident either to the local police or to the Juvenile Justice Board compel us to give certain directions for compliance in future which, in my view, are necessary to protect our children from such sexual abuses. This Court as parens patriae has a duty to do so because the Court has guardianship over minor children, especially with regard to the children having intellectual disability, since they are suffering from legal disability. Prompt reporting of the crime in this case could have perhaps, saved the life of a minor child of moderate intellectual disability.

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76. Considering the entire facts and circumstances of the case, I am inclined to convert death sentence awarded to the accused to rigorous imprisonment for life and that all the sentences awarded will run consecutively.

77. In my opinion, the case in hand calls for issuing the following directions to various stakeholders for due compliance:

77.1. The persons in charge of the schools/educational institutions, special homes, children homes, shelter homes, hostels, remand homes, jails, etc. or wherever children are housed, if they come across instances of sexual abuse or assault on a minor child which they believe to have been committed or come to know that they are being sexually molested or assaulted are directed to report those facts keeping utmost secrecy to the nearest Special Juvenile Police Unit (SJPU) or local police, and they, depending upon the gravity of the complaint and its genuineness, take appropriate follow-up action casting no



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stigma to the child or to the family members.

77.2. Media personnel, persons in charge of hotels, lodges, hospitals, clubs, studios and photograph facilities have to duly comply with the provision of Section 20 of Act 32 of 2012 and provide information to the SJPU, or local police. Media has to strictly comply with Section 23 of the Act as well.

77.3. Children with intellectual disability are more vulnerable to physical, sexual and emotional abuse. Institutions which house them or persons in care and protection, if come across any act of sexual abuse, have a duty to bring to the notice of the Juvenile Justice Board/SJPU or local police and they in turn be in touch with the competent authority and take appropriate action.

77.4. Further, it is made clear that if the perpetrator of the crime is a family member himself, then utmost care be taken and further action be taken in consultation with the mother or other female members of the family of the child, bearing in mind the fact that best interest of the child is of paramount consideration.

77.5. If hospitals, whether government or privately-owned or medical institutions where children are being treated come to know that children admitted are subjected to sexual abuse, the same will immediately be reported to the nearest Juvenile Justice Board/SJPU and the Juvenile Justice Board, in consultation with SJPU, should take appropriate steps in accordance with the law safeguarding the interest of the child.

77.6. The non-reporting of the crime by anybody, after having come to know that a minor child below the age of 18 years was subjected to any sexual assault, is a serious crime and by not reporting they are screening the offenders from legal punishment and hence be held liable under the ordinary criminal law and prompt action be taken against them, in accordance with law.

77.7. Complaints, if any, received by Ncpcr, Scpcr, Child Welfare Committee (CWC) and Child Helpline, NGOs or women's



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organisations, etc., they may take further follow-up action in consultation with the nearest Juvenile Justice Board, SJPU or local police in accordance with law.

77.8. The Central Government and the State Governments are directed to constitute SJPU's in all the districts, if not already constituted and they have to take prompt and effective action in consultation with the Juvenile Justice Board to take care of the child and protect the child and also take appropriate steps against the perpetrator of the crime.

77.9. The Central Government and every State Government should take all measures as provided under Section 43 of Act 32 of 2012 to give wide publicity to the provisions of the Act through media including television, radio and print media, at regular intervals, to make the general public, children as well as their parents and guardians, aware of the provisions of the Act."

253. This Court in its decision in *State of Maharashtra v. Maroti*, (2023) 4 SCC 298 examined and explained the true purport of the obligations envisaged under Section(s) 19 & 21 of the POCSO. It held that prompt and proper reporting of offences under the POCSO is the bedrock of the obligations that have been cast under the said provisions, and any other view would defeat the very purpose and object of the Act. It further observed that merely because the failure to discharge the obligation under Section(s) 19 & 21 is punishable with imprisonment for a short duration, does not mean that such an offence is not to be taken seriously. Accordingly, it held that strict compliance of such provisions must be ensured to protect the tender age and youth of children against exploitation. The relevant observations read as under:—

"11. To achieve the avowed purpose, a legal obligation for reporting of offence under the POCSO Act is cast upon on a person to inform the relevant authorities specified thereunder when he/she has knowledge that an offence under the Act



had been committed. Such obligation is also bestowed on person who has apprehension that an offence under this Act is likely to be committed. Besides casting such a legal obligation under Section 19, the Legislature thought it expedient to make failure to discharge the obligation thereunder as punishable, under Section 21 thereof. True that under Section 21 (1), failure to report the commission of an offence under Sub Section 1 of Section 19 or Section 20 or failure to report such offence under Sub Section 2 of Section 19 has been made punishable with imprisonment of either description which may extend to six months or with fine or with both. Sub section 2 of Section 21 provides that any person who being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under Sub-Section 1 of Section 19 in respect of a subordinate under his control, shall be punishable with imprisonment with a term which may extend to one year or with fine. Certainly, such provisions are included in with a view to ensure strict compliance of the provisions under the POCSO Act and thereby to ensure that the tender age of children is not being abused and their childhood and youth is protected against exploitation.

12. Looking at the penal provisions referred above, making failure to discharge the obligation under Section 19 (1) punishable only with imprisonment for a short duration viz., six months, one may think that it is not an offence to be taken seriously. However, according to us that by itself is not the test of seriousness or otherwise of an offence of failure to discharge the legal obligation under Section 19, punishable under Section 21 of POCSO Act. We are fortified in our view, by the decisions of a three Judge Bench of this Court in Vijay Madanlal Choudhary v. Union of India and a two Judge-Bench in Shankar Kisanrao Khade v. State of Maharashtra.

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14. [...] the length of punishment is not only the indicator of the gravity of offence and it is to be judged by a totality of factors, especially keeping in mind the background in which the offence came to be recognized by the Legislature in the specific international context. In this context, it is also relevant to note that the United Nations Convention on Rights of Children, which was ratified by India on 11.12.1992, requires the State parties to undertake all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices etc. Articles 3 (2) and 34 of the Convention have placed a specific duty on the State to protect the child from all forms of sexual exploitation and abuse.

15. Prompt and proper reporting of the commission of offence under the POCSO Act is of utmost importance and we have no hesitation to state that its failure on coming to know about the commission of any offence thereunder would defeat the very purpose and object of the Act. We say so taking into account the various provisions thereunder. Medical examination of the victim as also the accused would give many important clues in a case that falls under the POCSO Act. [...] We refer to the aforesaid provisions only to stress upon the fact that a prompt reporting of the commission of an offence under POCSO Act would enable immediate examination of the victim concerned and at the same time, if it was committed by an unknown person, it would also enable the investigating agency to commence investigation without wasting time and ultimately to secure the arrest and medical examination of the culprit. There can be no two views that in relation to sexual offences medical evidence has much corroborative value."

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259. We endorse the view and the directions issued by this Court in *Shankar Kisanrao*



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Khade (supra) and are of the considered view that a meaningful effect to the provisions of the POCSO can only be given if such directions are complied with to the letter and spirit. We further caution the courts to refrain from showing any form of leniency or leeway in offences under Section 21 of the POCSO, particularly to schools/educational institutions, special homes, children's homes, shelter homes, hostels, remand homes, jails, etc. who failed to discharge their obligation of reporting the commission or the apprehension of commission of any offence or instance of child abuse or exploitation under the POCSO. Section(s) 19, 20 and 21 of the POCSO are mandatory in nature, and there can be no dilution of the salutary object and purport of these provisions. Merely because Section 21 prescribes a lesser threshold of punishment, the same in no way derogates or detracts from the gravity or severity of the offence which has been sought to be punished as held in *Maroti* (supra). It is a settled position of law that the length of punishment is not the only indicator of the gravity of the offence and it is to be judged by a totality of factors, especially keeping in mind the background in which the offence came to be recognized by the legislature in the specific international context i.e., the United Nations Convention on Rights of Children, particularly Article(s) 3(2) and 34 of the said Convention."

10.2. The Apex Court in the afore-quoted judgment was reiterating the elucidation of law laid down in **SHANKAR KISANRAO KHADE v. STATE OF MAHARASHTRA**², wherein it is held as follows:

"....

² (2013) 5 SCC 546



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71. Section 21 prescribes punishment for failure to report or record a case, which reads as follows:

"21. Punishment for failure to report or record a case.—(1) Any person, who fails to report the commission of an offence under sub-section (1) of Section 19 or Section 20 or who fails to record such offence under sub-section (2) of Section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of Section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine."

72. I may also point out that, in large numbers of cases, children are abused by persons known to them or who have influence over them. Criminal courts in this country are galore with cases where children are abused by adults addicted to alcohol, drugs, depression, marital discord, etc. Preventive aspects have seldom been given importance or taken care of. Penal laws focus more on situations after commission of offences like violence, abuse, exploitation of the children. Witnesses of many such heinous crimes often keep mum taking shelter on factors like social stigma, community pressure, and difficulties of navigating the criminal justice system, total dependency on the perpetrator emotionally and economically and so on. Some adult members of family including parents choose not to report such crimes to the police on the plea that it was for the sake of protecting the child from social stigma and it would also do more harm to the victim. Further, they also take shelter pointing out that in such situations some of the close family members having known such incidents would not extend medical help to the child to keep the same confidential and so on, least bothered about the emotional, psychological and physical harm done to the child. Sexual abuse can be in any form like sexually molesting or assaulting a child or allowing a child to be sexually molested or assaulted or encouraging, inducing



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or forcing the child to be used for the sexual gratification of another person, using a child or deliberately exposing a child to sexual activities or pornography or procuring or allowing a child to be procured for commercial exploitation and so on.

73. In my view, whenever we deal with an issue of child abuse, we must apply the *best interest of child standard*, since best interest of the child is paramount and not the interest of perpetrator of the crime. Our approach must be child-centric. Complaints received from any quarter, of course, have to be kept confidential without casting any stigma on the child and the family members. But, if the tormentor is the family member himself, he shall not go scot-free. Proper and sufficient safeguards also have to be given to the persons who come forward to report such incidents to the police or to the Juvenile Justice Board.

74. The conduct of the police for not registering a case under Section 377 IPC against the accused, the agony undergone by a child of 11 years with moderate intellectual disability, non-reporting of offence of rape committed on her, after having witnessed the incident either to the local police or to the Juvenile Justice Board compel us to give certain directions for compliance in future which, in my view, are necessary to protect our children from such sexual abuses. This Court as *parens patriae* has a duty to do so because the Court has guardianship over minor children, especially with regard to the children having intellectual disability, since they are suffering from legal disability. Prompt reporting of the crime in this case could have perhaps, saved the life of a minor child of moderate intellectual disability.

75. The President of India on 3-2-2013 promulgated an Ordinance titled "the Criminal Law (Amendment) Ordinance, 2013", further to amend the Code of Criminal Procedure Code, 1973; the Evidence Act, 1872 and the Penal Code, 1860. By the Ordinance, Sections 375, 376, 376-A, 376-B, 376-C and 376-D of the Code have been substituted by new sections. The word "rape" has been replaced by the word "sexual assault". Section 375 has also clarified that lack of physical resistance is immaterial for constituting an



offence. A new Section 376-A has been added which reads as follows:

"376-A. Punishment for causing death or resulting in persistent vegetative state of the victim.—Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of Section 376 and in the course of such commission inflicts an injury which causes the death of the person or causes the person to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean the remainder of that person's natural life, or with death."

Therefore a person, who commits an offence punishable under sub-section (1) and sub-section (2) of Section 376 and causes death shall be punishable with rigorous imprisonment for a term which shall not be less than twelve years but which may extend to imprisonment for life, which shall mean the remainder of that person's natural life or with death.

76. Considering the entire facts and circumstances of the case, I am inclined to convert death sentence awarded to the accused to rigorous imprisonment for life and that all the sentences awarded will run consecutively.

77. In my opinion, the case in hand calls for issuing the following directions to various stakeholders for due compliance:

77.1. The persons in charge of the schools/educational institutions, special homes, children homes, shelter homes, hostels, remand homes, jails, etc. or wherever children are housed, if they come across instances of sexual abuse or assault on a minor child which they believe to have been committed or come to know that they are being sexually molested or assaulted are directed to report those facts keeping utmost secrecy to the nearest Special Juvenile Police Unit (SJPU) or local police, and they, depending upon the gravity



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of the complaint and its genuineness, take appropriate follow-up action casting no stigma to the child or to the family members.

77.2. Media personnel, persons in charge of hotels, lodges, hospitals, clubs, studios and photograph facilities have to duly comply with the provision of Section 20 of Act 32 of 2012 and provide information to the SJPU, or local police. Media has to strictly comply with Section 23 of the Act as well.

77.3. Children with intellectual disability are more vulnerable to physical, sexual and emotional abuse. Institutions which house them or persons in care and protection, if come across any act of sexual abuse, have a duty to bring to the notice of the Juvenile Justice Board/SJPU or local police and they in turn be in touch with the competent authority and take appropriate action.

77.4. Further, it is made clear that if the perpetrator of the crime is a family member himself, then utmost care be taken and further action be taken in consultation with the mother or other female members of the family of the child, bearing in mind the fact that best interest of the child is of paramount consideration.

77.5. If hospitals, whether government or privately-owned or medical institutions where children are being treated come to know that children admitted are subjected to sexual abuse, the same will immediately be reported to the nearest Juvenile Justice Board/SJPU and the Juvenile Justice Board, in consultation with SJPU, should take appropriate steps in accordance with the law safeguarding the interest of the child.

77.6. The non-reporting of the crime by anybody, after having come to know that a minor child below the age of 18 years was subjected to any sexual assault, is a serious crime and by not reporting they are screening the offenders from legal punishment and hence be held liable under the ordinary criminal law and prompt action be taken against them, in accordance with law.



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77.7. Complaints, if any, received by NCPCR, SCPCR, Child Welfare Committee (CWC) and Child Helpline, NGOs or women's organisations, etc., they may take further follow-up action in consultation with the nearest Juvenile Justice Board, SJPU or local police in accordance with law.

77.8. The Central Government and the State Governments are directed to constitute SJPU in all the districts, if not already constituted and they have to take prompt and effective action in consultation with the Juvenile Justice Board to take care of the child and protect the child and also take appropriate steps against the perpetrator of the crime.

77.9. The Central Government and every State Government should take all measures as provided under Section 43 of Act 32 of 2012 to give wide publicity to the provisions of the Act through media including television, radio and print media, at regular intervals, to make the general public, children as well as their parents and guardians, aware of the provisions of the Act."

10.3. In **JUST RIGHTS** *supra*, the Apex Court also considered the law laid down in the case of **STATE OF MAHARASHTRA v. DR. MAROTI**³, wherein it is held as follows:

"....

11. Having made such a short survey on authorities on the exercise of power under Section 482CrPC as above, we will now refer to the object and purposes of the Pocso Act. Article 15 of the Constitution, inter alia confers powers upon the State to make special provisions for children and Article 39(f) provides not only

³ (2023) 4 SCC 298



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that the State shall direct its policy towards securing that the children are given opportunities to develop in a healthy manner and in conditions of freedom and dignity but also to ensure that their childhood and youth are protected against exploitation and against moral and material abandonment. Recognising the constitutional obligation and keeping in view the fundamental concept under Article 15 of the Constitution and also realising that sexual offences against children are not adequately addressed by the existing laws, the POCSO Act was enacted. The provisions thereunder would reveal that it also aims to ensure that such offenders are not spared and should be properly booked.

...

...

...

15. In *Vijay Madanlal Choudhary case* [*Vijay Madanlal Choudhary v. Union of India*, (2023) 12 SCC 1: 2022 SCC OnLine SC 929], this Court observed that the length of punishment is not only the indicator of the gravity of offence and it is to be judged by a totality of factors, especially keeping in mind the background in which the offence came to be recognised by the legislature in the specific international context. In this context, it is also relevant to note that the United Nations Convention on Rights of Children, which was ratified by India on 11-12-1992, requires the State parties to undertake all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, etc. Articles 3(2) and 34 of the Convention have placed a specific duty on the State to protect the child from all forms of sexual exploitation and abuse."

The Apex Court, in the afore-quoted judgments holds that, Section 21 of the POCSO Act casts a legal obligation on any person to report an offence to the concerned authorities specified therein, if they have knowledge that an offence under



the POCSO Act has been committed. The obligation also extends to individuals who have reason to believe that the offence under the Act has been committed. The Apex court further holds that these provisions are inserted with a view to ensure strict compliance with the provisions under the POCSO Act. The Apex Court further holds that Courts should refrain from showing any form of leniency or leeway in offences under Section 21 of the POCSO Act, particularly when the offence occurs in schools/educational institutions, special homes, children's homes, shelter homes, hostels, remand homes and jails, as those who have failed to discharge their obligation of reporting would fall under the net of the offence under Section 21 of the POCSO Act. The Apex Court holds that merely because Section 21 of the POCSO Act prescribes a lesser threshold of punishment, the same in no way derogates or detracts from the gravity or severity of the offence which has been sought to be punished.



10.4. The High Court of Punjab and Haryana in an identical circumstance in **SANJEEV KUMAR v. STATE (UT ADMINISTRATION)**⁴, holds as follows:

" "

5. The very opening lines of Section 19 of the POCSO Act are reproduced herein below to lay emphasis:

"19. Reporting of offences. -1. Notwithstanding anything contained in the Criminal Procedure Code, 1973 (2 of 1974), any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,-

(a) the Special Juvenile Police Unit; or

(b) the local police."

6. The POCSO Act has been enacted under the provisions of Article 15 of the Constitution of India which inter-alia confers upon the State powers to make special provisions for children. Furthermore, Article 39 of the Constitution provides that the State shall in particular direct its policy towards securing that the tender age of children are not abused and their childhood and youth are protected against exploitation and they are given facilities to develop in a healthy manner and in conditions of freedom and dignity. Our country has ratified way back on 11.02.1992, the United Nations Convention on the Rights of Children and had undertaken to make appropriate laws to prevent inducement or coercion of a child to engage in any unlawful sexual activity as well as exploitation of children in prostitution or other unlawful sexual practices including pornographic materials. The same has been necessitated because of the ever increase in cases of sexual offences against the children and it has been observed by the National Crime Records Bureau in

⁴ 2018 SCC OnLine P & H 7075



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the country that a large number of cases are neither specifically reported nor adequately penalised and it was with this object in mind the POCSO Act has come about by way of Act of 32 in the year 2012. Since the Act is a special legislation and has kept aside the provisions of the Criminal Procedure Code and the procedure and powers of the special courts having been duly enumerated by Chapter VIII of the POCSO Act, makes sufficiently clear the very purpose for which the same have been brought about.

7. Looking from another side, as per the testimony of the father of the girl as CW-4, it was on 07.05.2015 the parents for the first time have discovered the abuse of their minor daughter and upon their gaining confidence of the child, it was brought to their notice how she was being abused by the conductor of the school-bus. It is well enumerated in his testimony that since it was late evening, on the next day the family had gone to the school of the child where they met the transporter and narrated the incident even to the Principal of the school but who failed to act into the matter and the parents were assured of a suitable action on which they returned back waiting a call from the authorities, but to no avail and when the family was ultimately called to the school, they again narrated the incident to the Principal and the Principal promised them of suitable legal action and on 10.07.2015 (sic.) the father had given a complaint in writing to the Principal and thereafter, visited the school on 11.05.2015 to know the fate of their complaint and then, the family again came to the school on 12.05.2015 and met the Principal and he has proved on record his complaint made to the school authorities. When the school authorities failed to initiate any action, on 13.05.2015 parents of the school children had. raised hue and cry, which led to filing of the criminal complaint against the accused and thus, was arrested and put to trial.

8. This statement by the father of the child victim is in itself illustrative of the reticence shown by the school authorities, of whom the petitioner happens to be the Administrator and instead of having been given the knowledge, has tried to sweep under the carpet for a sinister design and a



motivated cause and thus, in itself sufficient explanation how the matter was got intentionally delayed by cohorts bent upon frustrating in putting to place the law of the land and therefore, to the mind of this Court, is in itself sufficient explanation for what has led to this delay. Furthermore, it is well settled golden principle of criminal jurisprudence that mere delay in lodging of criminal proceedings is not taken to be fatal and the Court needs to lift the veil to see the very reason how it has come about and whether it was justified on the part of the victim side and not an outcome of embellished account for a motivated cause. Learned counsel for the petitioner could not enliven his arguments to support his submissions and therefore, this submission as such is brushed aside.

9. It is not the case of the petitioner, as is sought to be projected by the learned counsel representing him that he has no role to play in the administration of the school and since the matter was specifically brought to the notice of the school authorities and being the Administrator, by all means the petitioner is responsible to ensure due redressal of the grievances, especially in matters involving the provisions of the POCSO Act. More so, this omission to act tantamounts to abetment of an offence as provided under Section 16 of the POCSO Act.

10. Section 19 read with Section 21 of the POCSO Act casts a heavy onus on any person who fails to report the commission of an offence under sub-section (1) of Section 19 or Section 20 of the POCSO Act including for failure to record commission of an offence. Sub-section (2) of Section 21 of the POCSO Act is reproduced as below to lay emphasis:

"21. Punishment for failure to report or record a case.-

1. xxxxxxxxxxxx
xxxxxxxxxxxxxx
2. Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an



offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine."

11. Thus, a plain reading of these provisions is in itself illustrative that the legal obligation that is cast upon the school authorities in the present case is to have reported the commission of offence by all means which they failed to do so. Often it has been observed, the disturbing trend in our society in not reporting the instances of sexual assault on minor children and which is a classical example in the present case as well. The studied silence of the school authorities including the petitioner is in itself suggestive that by keeping mum they are trying to screen the culprit of commission of such an offence.

12. In their vociferous arguments by the two sides, learned counsel for the petitioner Mr. Puneet Jindal, Senior Advocate assisted by Ms. Neha Anand Mahajan and Mr. Nitin Kumar, Advocates has sought to distinguish intention, knowledge and reason to believe, by seeking support from '*AS. Krishnan v. State of Kerala*' (2004) 2 RCR (Cri) 312; and '*Joti Parshd v. State of Haryana*' (1993) 1 RCR (Cri) 554. However, with due apologies the cited ratios pertain to allegations of counterfeit and forgery punishable under the Indian Penal Code, a general substantial law code and which is factually at much variance from the facts before this Court. **This Court seeks support from '*Dr. Sr. Tessy Jose v. State of Kerala*' (2018) 4 RCR (Cri) 114, wherein in a latest view of August 2018, the Hon'ble Supreme Court in a matter pertaining to the POCSO Act has held that the word 'knowledge' means that some information received by such person gives him/her knowledge about commission of crime and therefore, casts no obligation on that person to investigate and gather knowledge. By virtue of Section 19(1) of the POCSO Act, an obligation is sought to be cast upon the person who receives such, an information to inform the relevant authorities of such a knowledge so as to ensure that the law is put into motion.** Learned counsel for the petitioner to the specific query of the Court could not



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in any manner convince what action was initiated either in providing such information to any Special Juvenile Police, local police or even entering in his school records for furthering action into the matter, or what action has been prompted by the school authorities as well as transporter on the receipt of this information and it could not be accepted, as is sought to be projected by the petitioner side, that foisting this criminal liability upon the petitioner and his associate, the transporter, would be too far fetched. **As has already been detailed, these provisions have been specially enacted for a specified purpose in attainment of the object and the goals for which the said law has come into force. Child protection is more than a right. It is a framework or system by which the rights of a child can come to be. The framework consists of various duty bearers such as the departments of the government, police, school, civil society, who all have roles to play to ensure that a child's rights are met and in the case that a child's rights are violated that the violator be brought to justice and care be provided to the child. Child protection is not only treatment, but should also be preventive in nature. Risk management needs to take place to reduce the risk of violation of child rights in any given circumstances or space.**

13. In another view, a Single Bench of the Hon'ble Bombay High Court in '*Balasaheb @ Suryakant Yashwantrao Mane v. State of Maharashtra*' (2017) 2 RCR (Cri) 534, has expressed its opinion that **where there is enough material to come to the conclusion that despite having knowledge that the offence punishable under the POCSO Act has been committed, the Management (Director of the Trust in the said case) who instead of reporting the matter either to the Special Juvenile Police or to the local police, had insisted the first informant and relatives of the victim, a female child, to settle the matter, is itself sufficient ground to proceed against the person so showing reticence into the matter.** In this case, besides the petitioner, his associate transporter and even the Principal of the school, as has come in the evidence, need to be hauled up for this collusion inter-se between them and thus, trying to extinguish the embers



of this occurrence by suppressing the same with a mala fide intention, which is well illustrative from the testimony of the father of the girl. In the light of what has been observed in the deposition of C W-4 Harvinder Singh apparently, the Court of learned Additional Sessions Judge-cum-Judge, Special Court, Chandigarh in its summoning order dated 05.08.2017 has missed this material point and thus, to meet the ends of justice, this Court deems it essential to exercise the powers under Section 482 Cr.P.C. 1973 and direct the Court below, where the matter is pending, to ensure that even the Principal, who had the knowledge of this incident of abuse of a minor school girl, is not let off the hook and to take appropriate action and to proceed ahead against her as well, fully in accordance with law.

14. From what has come on the records, the petitioner cannot hide behind the facade of lack of knowledge or information and rather was duty bound being an Administrator of the school relating to which and where the occurrence has taken place and which is well substantiated from the proceedings of the Court whose orders have been put to challenge in this petition. The fact that the Commission has done its duty and the judicial Court, on the basis of evidence before it, has passed summoning order and framed charges and put the guilty to trial, cannot in any manner be termed to be unfounded, illegal or perverse necessitating exercise of inherent powers by this Court."

10.4.1. The High Court unequivocally holds that a school Principal cannot seek refuge behind the façade of ignorance or professed lack of information when an offence under the POCSO Act occurs within the institutional ecosystem under his stewardship. As the administrative head of the institution, the Principal bears a statutory obligation to remain vigilant and to



ensure immediate compliance with the mandate of the Act. The duty cast by Sections 19 and 21 of the Act is not passive or contingent upon formal confirmation of the offence; it is activated the moment credible information reaches the institution.

10.4.2. In the case before the High Court, repeated complaints had reached the Principal regarding the conduct of the school bus driver and the conductor. Yet, instead of setting the law in motion by reporting the matter to the jurisdictional authorities, the complaints were allowed to languish in institutional silence. Such deliberate inaction was held to constitute a clear dereliction of the statutory duty to report. The High Court, therefore, concluded that the Principal had rendered himself liable for prosecution under Sections 19 and 21 of the POCSO Act, reiterating that institutional heads cannot insulate themselves from criminal liability by pleading ignorance when information of a sexual offence against a child has come to their notice. The statutory command is one of immediate disclosure, not institutional discretion.



10.5 In somewhat similar circumstance the High Court of Madras in **SEYED AHAMED v. STATE OF TAMILNADU**⁵, has held as follows:

“ ”

8.The charge against the petitioners, A2 Principal and A3 Secretary, is failure to report the commission of offences under the POCSO Act by their subordinate, A1 / Physical Education Teacher. This Court is unable to countenance the submissions of the petitioners' Counsel for more than one reasons. **The POCSO Act casts a strict, mandatory duty upon every person, particularly heads of institutions, to report commission of offences against children. Section 19(1) makes it obligatory to furnish such information to the Special Juvenile Police Unit or local police. Section 21(2) provides punishment for persons in charge of institutions who fail to report offences committed by subordinates.**

Section 19(1) reads as under:

“19. Reporting of offences.—

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

- (a) the Special Juvenile Police Unit; or
- (b) the local police.”

Section 21(2) reads as under:

“21. Punishment for failure to report or record a case.—

⁵ CrI.OP(MD) Nos.10469 of 2025 and connected cases decided on 29.08.2025



(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine."

9.The object of the statute is clear – to ensure immediate reporting so that timely investigation may be conducted and further abuse prevented. Delay in reporting directly jeopardises both the welfare of the child and the integrity of the investigation.

10.In State of Maharashtra v. Dr. Maroti (Crl.A.No.1874 of 2022, dated 02.11.2022), the Hon'ble Supreme Court stressed that **"prompt and proper reporting of commission of offence under the POCSO Act is of utmost importance"** and **failure would defeat the very purpose of the Act.** The relevant portion is extracted as under:

"15. Prompt and proper reporting of the commission of offence under the POCSO Act is of utmost importance and we have no hesitation to state that its failure on coming to know about the commission of any offence thereunder would defeat the very purpose and object of the Act. We say so taking into account the various provisions thereunder. ..."

11.Similarly, in Shankar Kisanrao Khade v. State of Maharashtra [(2013) 5 SCC 546], the Hon'ble Supreme Court held that **non-reporting by institutional heads amounts to screening offenders and is itself a crime.** The relevant portion is extracted as under:

"77. In my opinion, the case in hand calls for issuing the following directions to various stakeholders for due compliance:

77.1. The persons in charge of the schools/educational institutions, special homes, children homes, shelter homes,



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hostels, remand homes, jails, etc. or wherever children are housed, if they come across instances of sexual abuse or assault on a minor child which they believe to have been committed or come to know that they are being sexually molested or assaulted are directed to report those facts keeping utmost secrecy to the nearest Special Juvenile Police Unit (SJPU) or local police, and they, depending upon the gravity of the complaint and its genuineness, take appropriate follow-up action casting no stigma to the child or to the family members.

... .. 77.6. The non-reporting of the crime by anybody, after having come to know that a minor child below the age of 18 years was subjected to any sexual assault, is a serious crime and by not reporting they are screening the offenders from legal punishment and hence be held liable under the ordinary criminal law and prompt action be taken against them, in accordance with law."

12.The Kerala High Court in **XXXX v. State of Kerala [2024 KER 53255]** held that **omission even beyond 24 hours to report the matter would attract culpability**, in the following terms:

"13. In my view, if there is omission even after getting information to report the same to the Police after 24 hours atleast, the offence punishable under section 19(1) of the POCSO Act would get attracted. ... "

13.Again in **Dr. P. Ditto Tom v. State of Kerala [2025 KER 15952]**, it was reiterated by the Kerala High Court that **delay in reporting by persons in responsible positions undermines investigation and constitutes an offence**. The relevant observation is extracted as under:

"14. ... In the instant case, the revision petitioner, who got knowledge regarding the crime on 25.11.2020, failed to inform the same and accordingly registration of crime was delayed for a period of three weeks. That must have



attenuated timely investigation of the case without elements of lacuna. In the instant case, the prosecution materials would show that the offence alleged against the revision petitioner is made out, prima facie, from prosecution records, warranting trial. ...”

14. In the case on hand, the materials disclose that on 04.11.2024, both A2 and A3 had knowledge of the incidents. **The victims themselves have categorically stated that they were advised by the petitioners not to inform their parents and were assured that action would be taken internally. The statement of the Teacher, Sivasakthi, corroborates this version. Such conduct cannot be construed as inadvertence or ignorance; it amounts to a conscious decision to withhold information from lawful authorities.**

15. The argument that there is no statutory time frame is fallacious. **Though the Act does not fix hours or days, the obligation is to report forthwith. “Reasonable time” in the context of offences against children cannot stretch to a week, particularly when the intervening days included disclosure to staff and parents.**

16. **The petitioners, as Principal and Secretary, were custodians of trust, responsible for the welfare and safety of their students. They owed a higher duty of care and vigilance. Instead, they placed the burden of silence on the shoulders of minor victims, thereby exacerbating trauma and delaying lawful intervention.”**

10.5.1. The High Court of Madras emphatically holds that the POCSO Act engrafts a strict and unyielding statutory obligation upon every person, and more particularly upon the heads and administrators of educational institutions, to report the commission or knowledge of offences against children. The



obligation is neither optional nor capable of being diluted by institutional considerations; it is an imperative command of the statute intended to secure the immediate protection of children from sexual abuse.

10.5.2. The protagonists before the Madras High Court were the Principal and the Secretary of the School. While examining the scope of their statutory obligations, the High Court observed that the offices they occupied were not mere administrative designations but positions of profound trust. As the Principal and the Secretary, they stood as custodians of the institution and, more importantly, custodians of the safety, dignity and well-being of every child entrusted to their care. Such positions inevitably cast upon them a higher duty of vigilance, sensitivity and promptitude. The Court held that once information disclosing the commission of an offence under the POCSO Act reaches such functionaries, they are under an immediate and mandatory obligation to report it to the competent authorities. Any failure or deliberate omission to do so is not merely an administrative lapse but a breach of the statutory command embodied in Sections 19 and 21 of the



POCSO Act, exposing them to the penal consequences that the legislation consciously prescribes.

10.6. The High Court of Delhi in **NIRMALJEET KAUR v. STATE OF NCT OF DELHI**⁶ holds as follows:

“ ”

5. A perusal of material placed on the record would show that the incident relates to events that unfolded on 29.12.2014 in the form of an oral complaint received by the petitioner from students against the accused teacher relating to allegations of sexual harassment committed during school hours and in the school premises.

Though petitioner claims that on an apology tendered by the accused teacher, the students and their parents were satisfied, however the records show that the students and their parents had approached the Director of Education on 31.12.2014 and raised their complaints against the accused teacher. Apparently, the Joint Director (Vigilance), NDMC vide communication dated 09.01.2015 while referring to a note dated 01.01.2015 received from the Education Department asked the Dy. Director of N* School Educational Society to seek petitioner's explanation in the context of complaint against the accused teacher. The petitioner furnished her explanation stating that the teacher concerned was warned and the parents being satisfied didn't want further escalation.

6. Further perusal would reveal that vide noting dated 19.01.2015, the petitioner was directed by the school society to get the FIR registered. As such, from the above sequence of events, it is discerned that **the filing**

⁶ 2024 SCC OnLine Del.7879



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of the complaint by the petitioner is not a case of mere delayed compliance but rather no compliance till she was directed to do so by the school authorities. The act of students and their parents approaching the Director of Education also indicates that they were dissatisfied with the petitioner's response to their complaints. In fact, vide the above communication, the school authorities had formally issued a warning to the petitioner also.

7. The statute contemplates mandatory compliance and failure to report entails penal consequences. The statute has been enacted with the object to protect children from offences of sexual assault, sexual harassment and pornography. The Supreme Court in *Eera through Dr. Manjula Krippendorf v. State NCT of Delhi*, (2017) 15 SCC 133 had remarked on the statement and object of the POCSO Act as follows:

"20. The purpose of referring to the Statement of Objects and Reasons and the Preamble of the POCSO Act is to appreciate that the very purpose of bringing a legislation of the present nature is to protect the children from the sexual assault, harassment and exploitation, and to secure the best interest of the child. On an avid and diligent discernment of the Preamble, it is manifest that it recognises the necessity of the right to privacy and confidentiality of a child to be protected and respected by every person by all means and through all stages of a judicial process involving the child. Best interest and wellbeing are regarded as being of paramount importance at every stage to ensure the health physical, emotional, intellectual and social development of the child. There is also a stipulation that sexual exploitation and sexual abuse are heinous offences and need to be effectively addressed. The Statement of Objects and Reasons provides regard being had to the constitutional mandate, to direct its policy towards securing that the tender age of children is not abused and their childhood is protected against exploitation and they are given facilities to develop in a healthy



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manner and in conditions of freedom and dignity...."

8. As per the petitioner's own case, in terms of explanation furnished to the school authorities, she had become aware of the incident on 29.12.2014 itself. **The incident relates to act committed by the school teacher to students in the school premises. The reporting of such an incident is envisaged to be mandatory under Section 21 of the Act.** The petitioner's reliance on the decision in *Jasvinder Kaur* (Supra) is misplaced as the said decision concerned with a case of delayed reporting. In the present case, as already noted above, **the filing of complaint with police authorities was not a voluntary act of the petitioner. It was done only when the school authorities directed her to do so in pursuance to communications received from the Education department.**

9. This Court at the stage of 482 Cr. P.C. will not go in the sufficiency of the explanation tendered by the petitioner and is of the considered opinion that in the peculiar facts of the case, no interference is called for. The petition is accordingly dismissed."

10.6.1. The High Court of Delhi, once again, underscores the indispensable importance of the statutory mandate of compulsory reporting embodied in Sections 19 and 21 of the POCSO Act. The High Court reiterates that the legislative command admits of neither discretion nor delay. The moment information disclosing the commission of a sexual offence against a child reaches a person upon whom the statute casts the obligation, the duty to report springs into operation with full



vigour. Institutional reputation, internal enquiries, or subjective satisfaction can never supplant the statutory requirement of immediate disclosure to the competent authorities.

10.6.2. The petitioner before the High Court was the Acting Principal of a school who, despite having knowledge of the alleged offence, failed to report the matter in accordance with the mandate of the Act. Examining the contours of the obligation under Section 21 of the POCSO Act, the High Court held that the office of an Acting Principal carries with it the same statutory responsibilities as that of a regular Principal. The Court observed that the obligation to report is attached not to the nomenclature of the office but to the authority and responsibility vested in the person administering the institution. Failure to discharge that obligation, despite knowledge of the offence, attracts the penal consequences contemplated under Section 21 of the POCSO Act.



10.7. The High Court of Orissa in **PRASANTA UMAR PANDA v. STATE OF ORISSA**⁷, has held as follows:

"....

8. Section 21 of the POCSO Act reads as follows:-

(1) Any person, who fails to report the commission of an offence under sub-section(1) of Section 19 or section 20 or who fails to record such offence under sub-section(2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

9. According to the prosecution, the principal accused committed offence of rape not within the premises of the School Hostel but somewhere inside a jungle in the vicinity of the victim's father's house. The petitioner, as the Headmaster of the High School, is said to have committed an offence punishable under Section 21(2) of the POCSO Act on the allegation that having been in-charge of an institution he failed to report as required under Section 19 of the POCSO Act which makes it obligatory on the part of any person, who has apprehension that an offence under the said Act is likely to be committed or has knowledge that such an offence has been committed, to give such information to:

(i) Special Juvenile Police Unit.

⁷ 2015 SCC OnLine Ori 484



(ii) The Local Police.

10. It is argued that since the offence was not committed within the Hostel/School premises but outside it, somewhere near the village of the victim, the Headmaster is not under any obligation to make such a report even if it is alleged that he had the knowledge that an offence punishable under the POCSO Act had been committed. The argument seems to be having some force.

11. Sub-section (2) of Section 21 of POCSO Act is applicable to failure on the part of In-charge of a company or any institution to report the commission of an offence punishable under the POCSO Act in respect of a subordinate under his control. There being no such allegation that any offence was committed punishable under the POCSO Act in respect of a subordinate under the control of the Headmaster of the High School, the petitioner cannot be booked under sub-section (2) of Section 21 of POCSO Act. However, **sub-section (1) of Section 21 makes it obligatory for any person to make a report as required under Section 19(1) of the POCSO Act about the commission of an offence punishable under the Act. Since it is alleged by the prosecution and supported by materials available in the case diary that the petitioner, as the Headmaster of the High School, had got the information that the victim had become pregnant he was under an obligation to make a report to either the Special Juvenile Police Unit or the Local Police. So, there are materials making out a prima facie case under Section 21(1) of POCSO Act as against the petitioner."**

(Emphasis supplied at each instance)

A singular and unbroken stream of judicial thought courses through all the afore-quoted pronouncements: the statutory mandate under Section 21 of the POCSO Act admits of no dilution, no hesitation, and no delay.



The duty to report an offence against a child is not a matter of institutional discretion but an imperative cast by the statute, the breach of which itself constitutes a distinct offence.

11. It is in the backdrop of this settled exposition of law that the complaint lodged by the father of the victim assumes significance and merits close scrutiny. It reads as follows:

“ಇವರಿಂದ,

ಡಾ.ಗೋಪಾಲ್ ಕೃಷ್ಣ ಶಾನುಬಾಗ್,
#403, 3 ಫ್ಲೋರ್ (47 Years, Hindu, GSB)
ಶಿವಮೊಗ್ಗ (Mob No. 9972721172

ಇವರಿಗೆ,

ಮಾನ್ಯ ಇನ್ಸ್‌ಪೆಕ್ಟರ್
ಮಹಿಳಾ ಪೊಲೀಸ್ ಠಾಣೆ ಶಿವಮೊಗ್ಗ.

ವಿಷಯ: ನನ್ನ ಮಗನ ಮೇಲೆ ನಡೆದಿರುವ ಲೈಂಗಿಕ ದೌರ್ಜನ್ಯವನ್ನು ಶಾಲಾ ಸಿಬ್ಬಂದಿ ಮುಚ್ಚಿಹಾಕಿ ಅವನ ಮೇಲೆ ಕ್ರೌರ್ಯ ನಡೆಸಿರುವ ಬಗ್ಗೆ ದೂರು.

ಮಾನ್ಯರೇ,

ನನ್ನ ಮಗನಾದ xxxxxxxx ಎಕ್ಸಲೆಂಟ್ ಇಂಗ್ಲಿಷ್ ಮೀಡಿಯಂ ಸ್ಕೂಲ್ ಮೂಡಬಿದ್ರೆಯಲ್ಲಿ 10ನೇ ತರಗತಿ ಓದುತ್ತಿದ್ದಾನೆ.02.06.2026 ರಂದು 1.00 A.M ಗೆ ಅವನ ಮೇಲೆ ಅವನ ಸಹಪಾಠಿಯಾದ xxxxxxxx ಲೈಂಗಿಕ ದೌರ್ಜನ್ಯ ನಡೆಸಿರುತ್ತಾನೆ. ಕೂಡಲೇ ಅವನು ವಾರ್ಡನ್ ಅವರಿಗೆ ಕಂಪ್ಲೇಂಟ್ ಕೊಟ್ಟಿರುತ್ತಾನೆ. ಬೆಳಗ್ಗೆ ಈ ವಿಷಯವನ್ನು ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸಹಾಯಕ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಮತ್ತು ವಿದ್ಯಾರ್ಥಿ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯವರು ಅಸಮರ್ಪಕವಾಗಿ ನಿರ್ವಹಿಸಿದರು. ಅವರು ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲಿಸಲಿಲ್ಲ ಸಿಸಿಟಿವಿ ದೃಶ್ಯಾವಳಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಿಲ್ಲ ಮತ್ತು ಅವನ ದೂರನ್ನು



ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಲಿಲ್ಲ. ಅವರು ನನ್ನ ಬಲಿಪಶು ಮಗನ ಮೇಲೆ ಸಮ್ಮತಿ ಕಡ್ಡದಲ್ಲಿ ಭಾಗವಹಿಸಿದ್ದಾನೆಂದು ಸುಳ್ಳು ಆರೋಪ ಮಾಡಿದರು. ವಿದ್ಯಾರ್ಥಿ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯು XXXXXXXX ಬರೆದ ಮೂಲ ಪತ್ರವನ್ನು ನಾಶಪಡಿಸಿ ಲೈಂಗಿಕ ಅಪರಾಧ ನಡೆದಿಲ್ಲ ಮತ್ತು ಇಬ್ಬರು ಹುಡುಗರ ನಡುವೆ ಜಗಳದ ಪರಿಣಾಮವಾಗಿ ಸುಳ್ಳು ದೂರು ನೀಡಲಾಗಿದೆ ಎಂದು ತಮ್ಮ ಸೂಚನೆಯಂತೆ ಮತ್ತೊಂದು ಪತ್ರವನ್ನು ಬರೆಯುವಂತೆ ಮಾಡಿದರು. ಇದಕ್ಕೆ ಸಾಕ್ಷಿಯಾಗಿ ಅವರ ಕಚೇರಿಯ ಸಿಸಿಟಿವಿ ದೃಶ್ಯಾವಳಿಯಲ್ಲಿ ದೃಢೀಕರಿಸಬಹುದು. Pocsso ಕಾಯ್ದೆಯಡಿ ವಿಚಾರಣೆ ನಡೆಸುವ ಬದಲು ಅವನನ್ನು ಬೆದರಿಸಲಾಯಿತು.

ಈ ವಿಷಯವನ್ನು ಸಂಸ್ಥೆಯು ನಮ್ಮ ಗಮನಕ್ಕೆ ತರಲಿಲ್ಲ ಹಾಗೂ ನಿಯಮಗಳ ಪ್ರಕಾರ ವಿಚಾರಣೆ ನಡೆಸಿಲ್ಲ ಮರುದಿನ (3rd June) ನಾನು ಮಧ್ಯಾಹ್ನ 1:46ಕ್ಕೆ H.M ಗೆ ಕರೆ ಮಾಡಿದಾಗ ಆರೋಪಿಯು ನನ್ನ ಮಗನ ವಿರುದ್ಧ ಅಪರಾಧ ಎಸಗಿರುವುದನ್ನು ಒಪ್ಪಿಕೊಂಡಿದ್ದಾನೆ ಎಂದು ಹೇಳಿದರು. ಇಬ್ಬರು ಹುಡುಗರ ಕೊಠಡಿಗಳನ್ನು ಬದಲಾಯಿಸುವುದಾಗಿ H.M ನಮಗೆ ಭರವಸೆ ನೀಡಿದರು. ಶಾಲೆಯು POCSO ಕಾಯ್ದೆಯಡಿ ಯಾವುದೇ ವಿಚಾರಣೆ ನಡೆಸಿಲ್ಲ ಹಾಗೂ ಈ ಅಪರಾಧವನ್ನು ಮುಚ್ಚಿ ಹಾಕಿದ್ದಾರೆ.

8ನೇ ಜೂನ್ ರಂದು ನನ್ನ ಮಗನಿಂದ ಸಿಕ್ಕಿದ ಒಂದು ಮೊಬೈಲ್ ಫೋನ್‌ನ್ನು ಇಬ್ಬರು ಹುಡುಗರು ಶಾಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ ಒಪ್ಪಿಸಿದರು ಹಾಗೂ ಇದರ ಬಗ್ಗೆ ನಮಗೆ ಶಾಲೆಗೆ ಹಾಜರಾಗಲು ತಿಳಿಸಿದರು. ನಾನು ಹತ್ತನೇ ಜೂನ್ ರಂದು ಶಾಲೆಗೆ ಭೇಟಿ ನೀಡಿ phone ಅನ್ನು ನನ್ನ ಹೆಂಡತಿಯದಾಗಿ ಗುರುತಿಸಿದೆ. ಅದು ಹಲವಾರು ತಿಂಗಳುಗಳಿಂದ ಬಳಕೆಯಲ್ಲಿರಲಿಲ್ಲ. ಹಾಸ್ಟೆಲ್ ಗೆ ತೆಗೆದುಕೊಂಡು ಹೋಗುವ ಉದ್ದೇಶ ಇರಲಿಲ್ಲ. ಇದರ charger ಇರಲಿಲ್ಲ ಮತ್ತು ಸಂಪೂರ್ಣವಾಗಿ Discharge ಆಗಿತ್ತು. Pin lock ಆಗಿತ್ತು. ಹಾಗಾಗಿ ಯಾವುದೇ ದುರುಪಯೋಗ ಇರಲಿಲ್ಲ ಮತ್ತು ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಉದ್ದೇಶ ಇರಲಿಲ್ಲ. ಹೀಗಿದ್ದರೂ ಸಹ ಎಚ್ಚರಿಕೆ ನೀಡಿ ಫೋನ್‌ನ್ನು ನಮಗೆ ಹಿಂತಿರುಗಿಸುವ ಬದಲು ಏಳು ದಿನ ಕಾಲ ಮೌನಿಕವಾಗಿ ಅಮಾನತುಗೊಳಿಸಿ Rs.25,000 ದಂಡವನ್ನು ಒತ್ತಾಯಿಸಿದರು. ಇದರ ಬಗ್ಗೆ ಲಿಖಿತ ಆದೇಶ ಕೇಳಿದರು ನಿರಾಕರಿಸಲಾಯಿತು. ಯಾವುದೇ ದುರುಪಯೋಗ ಸಾಬೀತಾಗದಿದ್ದರೂ **Mobile Phone** ಅನ್ನು ನನಗೆ ಹಸ್ತಾಂತರಿಸಲು ನಿರಾಕರಿಸಲಾಯಿತು. ನಮ್ಮ ಐದು ವರ್ಷಗಳ ವೈಯಕ್ತಿಕ ದಾಖಲೆಗಳು **photos**ಗಳು **File**ಗಳು ಒಳಕೊಂಡಿರುವ **Phone** ಅನ್ನು ಕಾನೂನು ಬಾಹಿರವಾಗಿ ವಶಪಡಿಸಿಕೊಳ್ಳಲಾಗಿದೆ ಹಾಗೂ ನಮಗೆ ನೀಡಲು ನಿರಾಕರಿಸಲಾಗಿದೆ.

ಶಾಲಾ ಸಿಬ್ಬಂದಿ ಈಗ ಸುಳ್ಳು ಕಥೆ ಕಟ್ಟಿದೆ - ನನ್ನ ಮಗನ ಬಳಿ ಫೋನ್ ಇತ್ತು, ಆರೋಪಿಗೆ ಅದು ತಿಳಿದಿತ್ತು ಹಾಗೂ ಇದೇ ವಿಷಯಕ್ಕೆ ನನ್ನ ಮಗನನ್ನು **blackmail** ಮಾಡಿದನು. ಆದ್ದರಿಂದ ನನ್ನ ಮಗ ಸುಳ್ಳು ಲೈಂಗಿಕ ಅಪರಾಧ ದೂರು ನೀಡಿದನು ಎಂದು ಇದು ಸುಳ್ಳು ಸಾಕ್ಷವನ್ನು ಸೃಷ್ಟಿಸಲು ಕ್ರಿಮಿನಲ್ ಪಿತೂರಿ ಏಕೆಂದರೆ 3ನೇ June ರಂದು ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು ಆರೋಪಿ ಅಪರಾಧ ಒಪ್ಪಿಕೊಂಡಿದ್ದಾನೆ ಎಂದು ಹೇಳಿದ್ದರು.



ನನ್ನ ಮಗನ ಮೇಲೆ ನಡೆದ ಲೈಂಗಿಕ ದೌರ್ಜನ್ಯದ ವಿಷಯವಾಗಿ ನಿಮ್ಮ ತಕ್ಷಣದ ಗಮನ ಮತ್ತು ಕ್ರಮವನ್ನು ಕೋರುತ್ತೇನೆ. ನ್ಯಾಯಯುತ ವಿಚಾರಣೆಯ ಮೂಲಕ ಶೀಘ್ರವಾಗಿ ಪರಿಹರಿಸಬೇಕಾಗಿ ಕೋರುತ್ತೇನೆ ಹಾಗೂ ಮೊಬೈಲ್ ಫೋನನ್ನು ನಮಗೆ ಹಿಂತಿರುಗಿಸಿ ಕೊಡಬೇಕಾಗಿ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಲೈಂಗಿಕ ದೌರ್ಜನ್ಯದ ಬಗ್ಗೆ ಸಂಕ್ಷಿಪ್ತ ಮಾಹಿತಿ.

ಜೂನ್ 1st ರಂದು xxxxxxxx ಜ್ವರ ಶೀತ ಹಾಗೂ ತಲೆ ತಿರುಗುವಿಕೆಯಿಂದ ಬಳಲಿ ಮೆಡಿಸಿನ್ ಸೇವಿಸಿ 10.30-11 P.M ಗೆ ಮಲಗಿದನು. ಮಧ್ಯರಾತ್ರಿ (June 2nd) 1 ಗಂಟೆಯ ಸುಮಾರಿಗೆ ಅವನಿಗೆ ಎಚ್ಚರವಾದಾಗ xxxxxxxx ಎನ್ನುವ ಅವನ Roomate ನಿಮಿರಿದ ಶಿಶ್ನವನ್ನು ನನ್ನ ಮಗನ ಬಾಯಿಗೆ ತುರುಕಿಸಿದನು ಹಾಗೂ ನನ್ನ ಮಗನ private parts ನ್ನು ನಕ್ಕಿರುತ್ತಾನೆ. ತಕ್ಷಣವೇ ಅವನ ಇನ್ನೊಬ್ಬ Roomate ಆದ xxxxxxxx ಎಬ್ಬಿಸಲು ಪ್ರಯತ್ನ ಪಟ್ಟನು. ಗಾಢನಿದ್ರೆಯಲ್ಲಿ ಇರುವುದರಿಂದ ಅವನು ಎದ್ದಿರುವುದಿಲ್ಲ. ತಕ್ಷಣವೇ ಅವನ resident warden ಆದ Chethan ಹಾಗೂ Rudresh Naik. ಇವರಿಗೆ ದೂರು ನೀಡಿರುತ್ತಾನೆ. ಈ ಮೇಲ್ಕಂಡ ವಿಷಯವನ್ನು ತಥಾಕಥಿತವಾಗಿ ಅವನು ಪದೇ ಪದೇ ಪುನರುಚ್ಚರಿಸಿದರು ಕೂಡ ಶಿವಪ್ರಸಾದ್ ಭಟ್, ಸಹಾಯಕ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರಾದ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರಾದ ಶ್ರೀ ಜಯಶೀಲಾ ಬಳ್ಳಾರಿ, ಹಾಗೂ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯಾದ ಶ್ರೀ ರಾಜೇಶ್ ಲೋಬೋ ಇವರು ಈ ವಿಷಯವನ್ನು ಸಮರ್ಪಕವಾಗಿ ನಿರ್ವಹಿಸಿದರು.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಿ/-"

(Emphasis added)

If the allegations in the complaint are accepted, as they necessarily must be at this stage, they depict something far graver than a mere omission to report. The allegation is not confined to passive silence. It is alleged that the victim immediately informed the resident warden of the incident; that the complaint was brushed aside as a consensual act; that the Child Welfare Officer destroyed the original letter written by the victim; compelled the child to rewrite another version



exonerating the perpetrator; threatened the victim with consequences under the POCSO Act itself; and consciously withheld the incident from the parents for several days. Such allegations, if ultimately established in the course of investigation, portray a deliberate attempt not merely to remain silent but to suppress the complaint, manipulate the narrative, and shield the alleged offender from the operation of law. Whether these allegations are ultimately proved is a matter that falls exclusively within the domain of investigation. At the stage of considering a prayer for quashing, this Court is not expected to meticulously sift the evidence or pronounce upon the truthfulness of rival versions. The Court is required only to ascertain whether the allegations, taken at their face value, disclose the commission an offence.

12. Educational institutions, whether humble in size or sprawling in their establishment, whether catering to children from the most modest backgrounds or the most privileged strata of society, stand *in loco parentis*. They are not mere centers of instruction; they are centers entrusted with the safety, dignity and well-being of



children. The moment any incident disclosing the ingredients of an offence under the POCSO Act comes to their knowledge, the statutory mandate under Sections 19 and 21 of the POCSO Act springs into immediate operation. The obligation to report is instantaneous, absolute and admits of no discretion. There is no window for deliberation, no latitude for internal inquiry, no scope for institutional image-management and certainly no licence to dilute, embellish or alter the complaint in an attempt to shield the reputation of the institution, as is *prima facie* discernible in the case at hand.

13. Silence in such circumstances is not institutional prudence; it is statutory delinquency. Delay is not administrative convenience; it is a betrayal of the confidence reposed in the institution by every parent who entrusts a child to its care. Any attempt to suppress, modify or camouflage the allegations, instead of reporting them forthwith to the jurisdictional authorities, only emboldens the perpetrator, deepens the trauma of the victim and frustrates the very object for which the



POCSO Act was enacted. Institutions which choose reputation over responsibility and image over innocence expose themselves to the full vigour of the law and render themselves liable for the consequences that the statute inexorably vests upon those who fail in their statutory duty.

14. This Court must also dispel a dangerous misconception that appears to have crept into the thinking of some institutions that, since the punishment prescribed under Section 21 of the POCSO Act may extend only to six months, the offence is somehow inconsequential or that the statutory obligation can be ignored with impunity. Such an understanding is fundamentally flawed. The gravity of an offence is not measured merely by the quantum of punishment prescribed but by the sanctity of the duty that has been breached. Sections 19 and 21 of the POCSO Act are not ornamental provisions placed in the statute book; they constitute the very backbone of the legislative framework intended to ensure that offences against children are brought to light without the slightest delay. The



long arm of these provisions extends to every individual who, despite acquiring knowledge of a sexual offence against a child, consciously chooses silence over disclosure. Those who fail to report cannot seek refuge behind administrative procedure or perceived triviality of the punishment.

15. In the case at hand, the material presently available *prima facie* discloses the commission of the offence punishable under Section 21 of the POCSO Act against the petitioners. Whether the investigation would unveil additional offences or exonerate them of any particular allegation is a matter that lies entirely within the domain of investigation. At this nascent stage, this Court would neither truncate the investigation nor pronounce upon issues that are yet to crystallise. The investigation must be permitted to take its lawful course unhindered.



16. For all the aforesaid reasons, the petition, being devoid of merit, deserves rejection and is accordingly rejected.

Consequently, pending applications also stand disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP
List No.: 2 Sl No.: 16