IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

MISC. CRIMINAL CASE No. 29007 of 2023

CNR No.: MPHC010372702023

RAVI CHAHAR

Versus

THE STATE OF MADHYA PRADESH AND ANR

Appearance:

Shri Vivek Choudhary - Advocate for the petitioner.

Shri Yogesh Dhande - Government Advocate for the respondent No.1/State.

Shri Vijay Kumar Pandey - Advocate for the respondent No.2/victim.

WITH

CRIMINAL REVISION No. 5580 of 2025

CNR No.: MPHC010818042025

RAVI CHAHAR

Versus

THE STATE OF MADHYA PRADESH AND ANR

Appearance:

Shri Vivek Choudhary - Advocate for the petitioner.

Shri Yogesh Dhande - Government Advocate for the respondent No.1/State.

Reserved on : 20.08.2026

Pronounced on : 04.11.2026

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ORDER

I.A. No.18697/2026 filed in MCRC. No.29007/2023 for change in counsel is taken up.

2. For the reasons mentioned therein, said I.A. is allowed.

3. New counsel is permitted to appear and argue the matter on behalf of respondent No.2/victim.

4. Since M.Cr.C. No.29007/2023 (Ravi Chahar Vs. State of M.P. & Anr.) and Criminal Revision No. 5580/2025 (Ravi Chahar Vs. State of M.P. & Anr.) arise out of the same Crime No.176/2022 registered at P.S. Shyamla Hills, District Bhopal (M.P.) for the offences under Section 363, 366, 366-A, 376(2)(n), 109, 120-B, 368 of IPC and Section 5(i), 6, 16, 17 of POCSO Act, involve substantially identical facts, common questions of law and challenge the continuation of the same criminal proceedings as well as order of framing charges dated 20.06.2023 passed in Special ST. No.76/2023 by 19th Additional Sessions Judge/Special Judge, POCSO Act, District Bhopal, both matters were heard analogously and are being decided by this common order to avoid conflicting findings.

5. Learned counsel for the petitioner has submitted that the incident has occurred on 09.11.2022. Upon completion of investigation, the charge sheet was filed on 12.04.2022. The victim was in love relationship with the main accused Naveen Nara. She went herself with him and at that time, the petitioner was not there. In the statement recorded under Section 161 of Cr.P.C. also, the name of petitioner was not mentioned. The statements of father, mother, uncle and coach of victim were also recorded in which also

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name of petitioner was not mentioned. It is further submitted that the victim has submitted an application in the Police Station, Shyamla Hills, Bhopal on 12.02.2023 for recording her supplementary statement and thereafter the same was recorded on 12.02.2023. In that statement, the victim has taken the name of petitioner first time by stating that the petitioner, who is the cousin brother of main accused Naveen Nara, used to come at the residence of Naveen Nara where she met with the petitioner first time. The petitioner enquired about the age of the victim from the main accused, Naveen Nara, who told him that there was no need to worry about her age. It is further submitted that the statement of victim recorded under Section 164 of Cr.P.C. on 12.12.2022 before the Court of J.M.F.C., Bhopal in which also name of petitioner is not mentioned. It is also submitted that the police searched the house of main accused Naveen Nara on multiple occasions but the petitioner was not found there. The petitioner was arrested on 14.02.2023 at a place other than the house of main accused Naveen Nara, which reveals that the petitioner resides separately from the main accused Naveen Nara. In this regard, certificate issued by Gram Panchayat Ghasola (Haryana) regarding presence of petitioner on the date of incident i.e. 09.11.2022 at Village Ghasola, Tehsil & District Charkhi Dadri (Haryana). The petitioner has also submitted Kisan Credit Card and other documents to show that the petitioner is the resident of Vilage Ghasola, Tehsil & District Charkhi Dadri (Harayana) The petitioner has not played any role in the entire incident.

6. It is further submitted that even Rojnamcha Sanha of concerned Police Station dated 16.02.2023 reveals that the petitioner has been made

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accused in this case on the basis of his confessional statement. It is further submitted that there is no evidence against the petitioner in the alleged offence. When the victim was taken from Bhopal to Haryana and at various places in Haryana, the petitioner was not present there. Even, during the course of filing the petition before the High Court of Punjab and Haryana and in the other proceedings, the petitioner did not participate in any manner. It is further submitted that in the second supplementary statement of victim recorded on 03.05.2023, there is omnibus allegations have been levelled against the petitioner. It is further submitted that in her second supplementary statement recorded under Section 164 of the Cr.P.C. on 22.05.2023, the victim specifically narrated the aforesaid facts. In support of his submission, learned counsel has placed reliance on ***Nazim & Ors. vs. State of Uttarakhand 2025 LIveLaw (SC) 1019, State of U.P. vs. Raghuvir Singh 2025 LiveLaw (SC) 158, P. Vijayan Vs. Kerala AIR 2010 SC 663 decisions of Coordinate Bench of this Court in Aarif vs. State of M.P. passed in CRR. No.667/2016, Shivmangal vs. State of M.P. passed in MCRC. No.10090/2024, Dhaniram Tyagi & Ors. vs. State of M.P. passed in MCRC. No.8722/2023, Neeraj @ Boby vs. State of M.P. passed in CRR. No.2087/2019, Nanni Bai & Anr. vs. State of M.P. passed in CRR. No.39/2021, Virendra Singh Puviya vs. State of M.P. passed in MCRC. No.9334/2019, Dinesh Parmar vs. State of M.P. & other connected matters in MCRC. No.62049/2022, Mukesh Parmar vs. State of M.P. passed in MCRC. No.62050/2022, Rahul Chandel Jatav vs. State of M.P. passed in MCRC. No.24691/2023, Kailash Sharma vs. State of M.P. passed in MCRC.***

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No.25264/2023, Mohit Maheshwari vs. State of M.P. passed in CRR. No.1238/2023, Chnadrashekhar & Anr. vs. State of M.P. passed in MCRC. No.528/2015, Satyam Shridhar & Ors. vs. State of M.P. passed in MCRC. No.29220/2024, Pradeep Bafna & Anr. vs. State of M.P. passed in MCRC. No.25409/2023, Kalua vs. State of M.P. passed in CRR.No.193/1992, Victim-A vs. State of M.P. and decision of High Court of Madras in Vignesh @ Vickky vs. State passed in Crl.R.C.No.848/2021. Hence, it is prayed for quashment of F.I.R. dated 09.11.2022 and consequential proceeding arising thereto.

7. On the other hand, learned counsel for the respondent No.2/victim as well as State have opposed the prayer made by the petitioner and submitted that, at the time of the incident, the age of the victim was below 16 years and, therefore, her consent has no legal significance. In this regard, the birth certificate of the victim is available on record. It is further submitted that although it has been argued on behalf of the petitioner that Nikah was solemnized between the main accused, Naveen Nara and the victim, the Maulvi, who allegedly performed the Nikah, has denied the factum of such marriage. It is further submitted that, in her supplementary statement recorded on 12.02.2023 under Section 161 of the Cr.P.C., the victim stated that the petitioner used to visit the house of accused Naveen Nara situated at Haraya. Whene he met her, he inquired about her age, to which she disclosed that she was between 15 and 16 years of age. Thereafter, the petitioner assured her that she had nothing to worry about and that he would keep surveillance. Thus, it is contended that the petitioner was well aware that the

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age of the victim was below 16 years and despite having such knowledge, he assisted the main accused in the commission of the alleged offence. It is further submitted that sufficient material and evidence against the petitioner have been collected by the Investigating Agency during the course of investigation. The truthfulness and the veracity of the statements of the complainant and other witnesses will be tested during the trial. Learned counsel have also submitted that the judgments relied upon by the petitioner are distinguishable on facts, as, in the present case, the petitioner had knowledge of the age of the victim and, despite such knowledge, assisted the main accused, Naveen Nara, in the alleged offence. Upon completion of the investigation, the charge-sheet has been filed and the trial is underway, wherein the statement of the victim has already been recorded before the Trial Court. It is further submitted that in view of ***CBI v. Aryan Singh, 2023 SCC, OnLine SC 379*** the High Court cannot conduct a mini-trial while exercising jurisdiction under Section 482 of Cr.P.C. Hence, it is prayed for dismissal of this petition.

8. Having heard learned counsel for the parties and upon perusal of the case diary, charge-sheet and the impugned order framing charges, this Court finds that at the stage of quashing of criminal proceedings, the Court is required to examine whether the allegations contained in the FIR, charge-sheet and accompanying material, if taken at their face value, disclose commission of a cognizable offence. The Court does not conduct a mini trial nor evaluate the sufficiency of evidence for conviction.

9. Similarly, at the stage of framing of charge, the Court is only

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required to ascertain whether the material placed before it discloses a *prima facie* case or gives rise to a grave suspicion against the accused. Detailed appreciation of evidence is impermissible at that stage.

10. From the perusal of record, it is found that age of the victim is below 16 years whereas age of the main accused is 31 years. Section 361 of the IPC provides that taking or enticing a girl below the 18 years of age out of keeping of a lawful guardian without the consent of such guardian constitutes kidnapping from lawful guardianship. The consent of the minor girl is immaterial in such a case and it will be not a defence to such offence. Hence, the consent of the minor girl is immaterial for the purpose of an offence of kidnapping from lawful guardianship.

11. So far as the fact that the victim in her earlier statement does not mention the name of the petitioner and in the supplementary statement, she mentions or alleges allegations against the present petitioner is concerned, the same does not automatically render the victim's subsequent statement false or unreliable. The reason for variations and the circumstances in which these respective statements were given by the victim and the credibility and truthfulness of the victim are the matters which require appreciation of evidence during the trial.

12. The charge sheet in the present case indicates that the Investigating Agency collected matter suggesting that the present applicant has also participated in the crime. The petitioner used to keep surveillance over the victim. In the commission of this crime, victim, whose age was below 16 years, was performed marriage with the main accused Naveen Nara. There is

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also allegation that main accused Naveen Nara has committed rape with the minor girl. The role of the present applicant is also involved in this case regarding conspiracy and other material, which will be decided during trial.

13. Considering the age of the victim, substantial age difference between the age of the victim and main accused Naveen Nara, the circumstances in which she was taken away from Bhopal to Haryana or other state, the subsequent conduct of the present applicant and the allegations contained in the subsequent statement of the victim, this Court is of the considered opinion that the matter requires a proper examination of evidence during the trial.

14. The criminal conspiracy is generally proved by the circumstantial evidence and cumulative effect of the surrounding circumstances. At this stage, this Court cannot hold that the material collected by the prosecution is wholly insufficient or incapable of establishing the alleged offences.

15. A careful perusal of the order of framing charges dated 20.06.2023 passed in Special ST. No.76/2023 by 19th Additional Sessions Judge/Special Judge, POCSO Act, District Bhopal further reveals that the learned Trial Court considered the material available in the charge-sheet and recorded satisfaction regarding existence of grounds for presuming commission of offences under Sections 366-A, 368/109 and 376(2)(n) of IPC and Section 5(l)/16 and 6/17 of POCSO Act. The order does not suffer from any jurisdictional error, illegality or perversity warranting interference in revisional jurisdiction.

16. The submissions advanced on behalf of the petitioner essentially

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require appreciation of disputed questions of fact and evaluation of the evidentiary value of the material collected during investigation. Such exercise falls exclusively within the domain of the trial Court and cannot be undertaken in proceedings under Section 482 Cr.P.C. or while examining the legality of an order framing charge.

17. So far as the judgments relied upon by learned counsel for the petitioner are concerned, the same are of no assistance to the petitioner, as the facts and circumstances of those cases are distinguishable from those of the present case.

18. In view of the aforesaid discussion, this Court is of the considered opinion that the allegations contained in the charge-sheet, coupled with the material collected during investigation, disclose a prima facie case against the petitioner/applicant. No ground is made out for quashing the F.I.R. relating to Crime No.176/2022 registered at P.S. Shyamla Hills, District Bhopal (M.P.) for the offences under Section 363, 366, 366-A, 376(2)(n), 109, 120-B, 368 of IPC and Section 5(l), 6, 16, 17 of POCSO Act or the criminal proceedings arising therefrom. Likewise, the order of framing charges dated 20.06.2023 passed in Special ST. No.76/2023 by 19th Additional Sessions Judge/Special Judge, POCSO Act, District Bhopal does not suffer from any illegality, impropriety or perversity requiring interference in revisional jurisdiction.

19. It is made clear that any observations made herein are only for the purpose of deciding the present petition and shall not be construed as an expression on the merits of the case. The learned Trial Court shall proceed

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with the matter uninfluenced by any observations made by this Court and shall decide the case strictly in accordance with law.

20. Accordingly, M.Cr.C. No.29007/2023 and Criminal Revision No.5580/2025 are dismissed.

(PRAMOD KUMAR AGRAWAL)
JUDGE

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