

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No.495 of 2023**

Sanket Goyal S/o Vimal Goyal Aged About 28 Years Caste- Goyal, R/o Village Budhwari Bazar, Sakti, Tahsil And Police Station Sakti, District Janjgir-Champa (Now District Sakti) (C.G.)

----Petitioner**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sakti, District Janjgir-Champa (Now District Sakti) (C.G.)

----Respondent

For Petitioner: Shri Samsun Samual Masih, Advocate.
For Respondent/State: Shri Ashish Gupta, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari**Order on Board****06.03.2023**

1. This Petition has been filed under Section 482 of Cr.P.C. for quashing FIR No.269/2022, dated 07.08.2022 registered against the Petitioner at PS Sakti, District Janjgir-Champa for the offence under Section 67(B) of the Information Technology Act.
2. Brief facts of the case are that after receiving report of the enquiry conducted by the Ministry of Home, NCRB Branch, it was found that by using mobile No.7828122866 through instagram, certain obscene material has been uploaded after tracking which, the Petitioner was found to be involved in the said crime, therefore, the offence as aforesaid has been registered against him.
3. Shri Masih, learned Counsel for the Petitioner submits that the

Petitioner has never indulged in such activities and no substantial material has been collected for the offence to this effect. He further submits that Section 14 of the POCSO Act has been added only on the basis of the report of the Doctor in which, he determined the age of the girl on the basis of photo image and no physical test has been conducted and even there is no report of any Cyber Cell. He lastly submits that the incident was of the year 2021 whereas, the Petitioner had purchased his mobile on 14.04.2022, therefore, prays to quash the said FIR and the consequent criminal proceedings.

4. Per contra, Shri Gupta opposed the prayer and submits that during investigation, sufficient material has been collected against the Petitioner as he has uploaded obscene child pornography in his instagram, therefore, this is not a fit case for quashment of FIR and the criminal proceedings.

5. I have heard learned counsel for the parties and perused the documents annexed herewith carefully.

6. In view of the submissions made, considering the parameters laid down in the matter of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others reported in **2021 SCC OnLine SC 315** wherein, it has been held that the police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence and while examining FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability

of genuineness or otherwise of the allegations made in the FIR/complaint, this Court does not find any valid ground to quash the said FIR.

7. Accordingly, the Petition being bereft of any merits is hereby **dismissed** at motion stage.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya